no. 4

LE "PADROADO" PORTUGAIS DANS L'INDE ANGLAISE.

MÉMOIRE

DE

L'UNION CATHOLIQUE DE MADRAS

À

SA SAINTETÉ LE PAPE LÉON XIII.

Le 16 DÉCEMBRE, 1890.

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II. Texte anglaise du même mémoire, suivi de plusieurs documents comme pièces justificatives.

III. Traduction française du mémoire de l'Union Catholique de Madras au Gouvernement britannique, le 31 Octobre 1890, demandant la suppression du "Padroado" portugais.

IV. Texte anglaise de ce même mémoire, suivi d'appendices.

A Sa Sainteté le Pape Léon XIII,

VICAIRE DE JÉSUS CHRIST ET SUPRÊME PONTIFE DE L'EGLISE UNIVERSELLE.

Très Saint Père,

Nous, les membres de l'Union Catholique de Madras, offrons à Votre Sainteté l'assurance de notre inaltérable obéissance au successeur de St. Pierre, et de notre gratitude pour la sollicitude continuelle que le Saint Siége a montrée pour l'Eglise de l'Inde.

2. L'Union Catholique de la Grande Bretagne fut établie en l'année 1871 par le conseil et le désir exprès de Sa Sainteté le Pape Pie IX, et cet illustre Pontife lui-même déclara qu'elle avait pour objet "la défense des intérêts Catholiques." Guidés par le conseil de l'auguste prédécesseur de Votre Sainteté et les conseils semblables donnés si souvent par Votre Sainteté, imitant l'exemple des Catholiques de la Grande Bretagne et de la Présidence de Bombay, et encouragés par l'approbation de leurs Evêques, les Catholiques du sud de l'Inde ont fondé pour la défense des intérêts Catholiques une association sous le nom d'Union Catholique de Madras (Madras Catholic Union).

3. En implorant humblement la bénédiction de Votre Sainteté sur notre société naissante, nous désirons avant tout nous unir aux Évêques de l'Inde et nous accorder avec eux dans les sentiments exprimés dans leur lettre du 8 Août 1887, par laquelle ils remerciaient Votre Sainteté de l'établissement de la nouvelle Hiérarchie dans l'Inde. Jamais les Pontifes Romains ne se relâchèrent dans leur zèle pour étendre le royaume de Jésus Christ dans ces régions, jamais ils ne cessèrent d'avoir soin de cette lointaine Église des Indes Orientales, mais de notre temps combien nombreux n'ont pas été les exemples de leur sollicitude ! Sans parler des mesures préliminaires prises par S. S. le Pape Grégoire XVI, nous rappelons que le 24 Avril 1838, cet illustre Pontife envoya sa Lettre apostolique, commençant par les mots *Multa præclare*, délivrant ainsi en grande partie l'Église de l'Inde des mortels effets du "Padroado" Portugais, et inau-

gurant l'ère actuelle des missions florissantes. Dès cette date et toujours depuis lors, heureuses de répondre aux invitations des Souverains Pontifes, de nombreuses Compagnies de dévoués Missionnaires et de Religieux des deux sexes sont venus aux Indes pour administrer les chrétiens négligés, pour réconcilier les hérétiques et les schismatiques à la vraie foi, et pour évangéliser les païens. Presque toute l'Église de l'Inde dans son état actuel est l'œuvre après Dieu de ces serviteurs dévoués du Saint Siége, qui ont couvert le pays d'églises et de chapelles, de maisons religieuses et de florissants établissements de charité et d'education. Et quoique les sages mesures des deux prédécesseurs de Votre Sainteté aient été traversées par l'opposition schismatique d'un Gouvernement, qui se glorifiait jadis d'être l'auxiliaire du Saint Siége dans l'évangélisation des Indes Orientales, ces deux Pontifes, dont la mémoire sera toujours révérée des peuples de ces contrées, eurent la consolation, dès cette vie, de voir les résultats, qui récompensaient leur sollicitude. Ils virent une nouvelle vie infusée dans cette Église déchue des Indes Orientales : ils virent les anciennes pertes réparées, et un accroissement immédiat et constant dans le nombre des fidèles. Très Saint Père, il a été réservé par la Divine Providence à Votre Sainteté de couronner le grand œuvre inauguré par Grégoire XVI, et l'année même du Jubilé Sacerdotal de Votre Sainteté a èté marquée par l'établissement de la nouvelle Hièrarchie de l'Inde. Lorsque nous célébrions le cinquantième anniversaire du Bref *Multa prœclare* en 1888, l'érection de la Hiérarchie s'était déjà accomplie au milieu des joyeuses acclamations du clergé et des fidèles de l'Inde. Et toujours depuis ce grand èvènement, nous avons eu des preuves nouvelles de l'incessante sollicitude de Votre Sainteté : le Diocèse de Nagpur à été érigé ; de nouveaux champs de mission ont ètè ouverts par l'érection des Préfectures d'Assam et de Kafiristan: deux Vicariats ont été établis pour les chrétiens de l'ancien rite Syriaque et le nombre des Missionnaires a été accrû par l'arrivée de ceux auxquels Votre Sainteté a confié les nouvelles entreprises du Saint Siége. Nous ne sommes pas dignes de tant de marques de faveur. Nous dépendons entièrement du soin paternel de Votre Sainteté, de notre Père, qui sait enrôler en notre faveur le zèle apostolique des Missionnaires de toutes les nations, et obtenir pour nous la sympathie et les aumônes des fidèles des autres contrées : nous ne cesserons jamais d'être reconnaissants à Votre Sainteté et à nos Bienfaiteurs, et nous promettons de montrer notre gratitude par une obéissance inébranlable aux désirs de Votre Sainteté, et en coopérant dans notre humble sphére avec les Evêques et les Missionnaires, que ont tant fait de sacrifices pour nous.

4. Bien que nous, Catholiques de l'Inde, regardions l'érection de la Hiérarchie comme une preuve de la confiance que Votre Sainteté a en nous, nous sentons

cependant que nous n'avons pas mérité le droit de parler pour nous ; car notre Clergé, nos Églises, nos Écoles, nous devons tout à la bonté de Votre Sainteté et à la générosité des fidèles des autres pays. Toutefois, en fils obéissants et aimants, nous osons exposer nos espérances et nos craintes aux yeux de Votre Sainteté, et si nous ne craignons pas de nous adresser à Votre Sainteté, relativement au Concordat conclu le 23 Juin 1886 entre Votre Sainteté et le Roi de Portugal, c'est parce que nous avons la douleur de voir les vœux de Votre Sainteté contrariés par l'ingérence de laïques mal éclairés du Portugal, qui semblent vouloir sacrifier la paix et la prospérité de l'Église de l'Inde et son progrès futur aux exigences des partis politiques de leur pays. Nous n'ignorons pas la paternelle patience du Saint Siége ; nous savons combien de temps et avec quelle rigueur il a combattu pour assurer la liberté de l'Église aux Indes ; nous savons combien intimement il connait les besoins particuliers des missions de l'Inde ; qu'il nous suffise de rappeler les nombreux documents, dans lesquels ses sentiments ont été exprimés sans équivoque, tels que la Lettre Apostolique *Multa prœclare* mentionnée ci-dessus, le Bref *Probe nostis* du 9 Mai 1853, la lettre écrite par S. S. le Pape Pie IX, le 3 Août 1864, au Roi de Portugal, le Bref *Studio et vigilantia* du 26 Août 1884, sans parler de la lettre que son Eminence le Cardinal Jacobini, Secrétaire d'Etat, adressa à l'ambassadeur de Portugal le 10 Avril 1884. Nous connaissons aussi les sentiments unanimes des Évêques et des Prêtres Missionnaires de l'Inde, et les graves représentations faites par les Évêques de la Présidence de Madras au Saint Siége et au Gouvernement Anglais, concernant les déplorables effets du "Padroado" Portugais et de la Double Juridiction. Nous savons aussi, généralement parlant, que les seuls partisans du "Padroado" dans l'Inde sont quelques émigrants de la possession Portugaise de Goa—et non pas le plus grand nombre,—ou bien certaines gens qui ont un intérêt matériel engagé dans la durée du "Padroado"; ou enfin certaines personnes, ou leurs descendants, qui surtout par ignorance adhérèrent au schisme lamentable qui, fomenté par le Gouvernement Portugais, désola l'Église de l'Inde, depuis environ 1834 jus qu' à la publication du Concordat de 1857. Nous savons aussi que l'exercice d'un Patronage étranger sur territoire Anglais est opposé à la politique du Gouvernement de la Reine Impératrice des Indes, qui le tolère seulement parce qu'il a la sanction de Votre Sainteté. Nous sommes persuadés aussi qu'il nous fait tort à nous Catholiques de l'Inde Anglaise, aux yeux de notre propre Gouvernement, et qu'il nous ôte la sympathie et l'appui que le Gouvernement pourrait sans cela nous fournir. Finalement, nous savons que ce Patronage étranger, unique dans les vastes Etats de l'Empire Britannique, est contraire à ces légitimes sentiments de patriotisme, communs aux sujets Anglais dans le monde entier, et que le Saint Siége n'a jamais réprouvés.

5. En même temps nous n'avons nullement l'intention d'amoindrir les avantages du Concordat de 1886. Nous n'oublions pas que comme le Concordat de 1857 émancipa presqu' entièrement les Missions de Chine et de l'extrême Orient de l'ingérence du Portugal, ainsi par le Concordat de 1886 le Gouvernement Portugais renonça formellement à toute prétention de Patronage sur Ceylan et quelques portions de l'Inde. Nous nous réjouissons aussi du Concordat, en tant qu'il a laissé à Votre Sainteté la liberté d'établir la nouvelle Hiérarchie de l'Inde, et parce que en quelques autres endroits il a aboli cette Double Juridiction, que dans le Bref *Studio et vigilantia*, Votre Sainteté déplorait comme l'une des deux principales causes des maux qui dans ces derniers temps avaient affligé les Missions des Indes Orientales. Nous ne nions pas ces avantages et la mesure de liberté que Votre Sainteté, dans le cours de longues et pénibles négotiations, est parvenu à assurer en partie à l'Église des Indes ; néanmoins, il est impossible pour nous de ne pas reconnaître les maux inhérents au Patronage Portugais, qui subsistent en d'autres endroits, maux qui certainement arrêteront le progrès des Missions dans cette contrée, si un remède opportun ne leur est appliqué par l'autorité apostolique.

6. En notre qualité de laïques Catholiques, nous désirons placer sous les yeux de Votre Sainteté un court exposé de ces maux. Fidèles à nos traditions, dès maintenant et pour l'avenir nous nous soumettons sans réserve à toutes les décisions du Saint Siége ; nous ne prétendons pas empiéter sur des matières qui sont du domaine de l'autorité ecclésiastique, mais nous avons confiance que Votre Sainteté, connaissant nos sentiments, daignera agréer ces humbles représentations. Nous n'avons pas oublié les diverses occasions où le Saint Siége reçut favorable ment et exauça les pétitions des laïques Catholiques de l'Inde et de Ceylan, en des temps, où grâce à la négligence du Gouvernement Portugais, l'état de l'Église dans l'Inde semblait presque désespéré, et nous pouvons même oser dire que les pétitions des laïques de Calcutta et de Madras furent le salut de l'Église, qui déclinait alors rapidement dans ces deux villes, et la cause immédiate de l'érection des Vicariats Apostoliques de Madras et du Bengale, en 1834 et 1835. L'histoire de l'Église des Indes plaide donc en notre faveur, lorsque, dans les circonstances actuelles, nous osons nous adresser à Votre Sainteté.

7. Les objections à l'exercice d'un Patronage Portugais dans l'Inde Anglaise, prises dans l'ordre politique et civil, sont nombreuses. Nous avons jugé bon de les détailler dans un Mémoire adressé au Gouvernement du Sa Majesté Britannique, et dont une copie est annexée à cette humble pétition. En présentant ce

Mémoire au Gouvernement de Sa Majesté la Reine concernant ses propres sujets dans ses États, nous ne faisons point appel contre les décisions de Votre Sainteté; notre unique but est de réclamer l'appui du Gouvernement, pour assurer à l'Église de l'Inde cette même liberté que le Saint Siége à toujours revendiquée, cette même liberté dont l'Église jouit partout ailleurs dans les États Britanniques. Les raisons tirées du point de vue religieux qui militent contre ce même Patronage sont connues de Votre Saintetè, et nous déplorons avec Votre Sainteté que le grand bienfait de l'établissement de la Hiérarchie, dont nous avons été favorisés, ait été diminué par la continuation d'un privilège qui a été et qui ne cesse d'être le grand obstacle au développement de l'Église dans l'Inde. Nous déplorons avec Votre Sainteté les sacrifices qui ont dû être faits dans l'Inde pour le bien de la paix en Portugal : nous déplorons la nécessité qui a obligé Votre Sainteté à choisir le moindre entre deux maux, en cédant aux exigences comminatoires du Gouvernement Portugais.

8. Très Saint Père, comment se fait-il que tous les Évêques et Prêtres Missionnaires, passés et présents, de toute nationalité qui ont été choisis et envoyés aux Indes par le Saint Siége, n'ont cessé de demander l'abolition du Patronage Portugais ? Ils jouissent de la confiance du Saint Siége, et connaissent à fond les circonstances et les besoins de l'Eglise des Indes. Eux qui ont quitté leur pays et tout ce qui leur était cher pour répondre aux désirs du Souverain Pontife ne sauraient être mûs par des considérations politiques ou par des sentiments patriotiques. Pourquoi tout ce qu'il y a de meilleur, de plus intelligent, de plus éclairé parmi les laïques Catholiques ne fait-il qu'un avec ses Pasteurs pour souhaiter l'abolition du Patronage Portugais ? La raison en est évidente : ils savent que ce Patronage a été la cause de tous les maux qui ont affligé l'Eglise de l'Inde dans le passé, qu'il est la cause de toutes ses difficultés actuelles et qu'il lui prépare des désastres dans l'avenir.

9. Nous ne méconnaissons pas les services que le Portugal rendit autrefois en Orient. Nous n'oublions pas les susceptibilités nationales de la nation Portugaise, auxquelles, sur l'invitation de Votre Sainteté, nous sacrifions les nôtres. Mais pouvous-nous oublier que le Patronage Portugais a été de nos jours une source féconde de schismes ? Et que sont aux yeux des habitants de l'Inde les Diocèses récemment constitués de Mylapore, de Cochin et de Damaun, sinon des monuments d'une résistance triomphante aux ordres du Saint Siége ? Qu'avons-nous vu de nos jours ? Nous avons vu les dispositions de la Lettre Apostolique *Multa præclare* et les ordres réitérés du Saint Siége combattus par la faction qui soutient le Patronage du Portugal. Nous avons vu les Missions de l'Inde désolées par un schisme lamentable, l'espace de plus de vingt-cinq ans ; nous

avons vu dans les années 1844 et 1853 des Évêques Portugais arriver aux Indes, et foulant aux pieds les obligations de leur ministère sacré, donner les saints Ordres à des centaines de sujets illettrés et indignes, dans le but de maintenir et de propager ce schisme. Nous avons vu en 1863 ce schisme guéri extérieurement par la reconnaissance officielle (bien que temporaire à l'origine) d'une "juridiction usurpée" (c'est ainsi qu'elle était stigmatisée par l'illustre prédécesseur de Votre Sainteté), et par l'introduction d'une Double Juridiction, qui en quelques endroits a complètement paralysé l'œuvre des Missionnaires et fait plus de mal que le schisme même. L'existence de deux juridictions ecclésiastiques distinctes, dans un même district, ville ou village, aurait pu être tolérable, si les autorités qui les représentaient avaient été animées du même dévouement au Saint Siége ; mais l'esprit schismatique semble tellement faire partie inhérente du Patronage Portugais, que la Double Juridiction, qui a toujours été une énigme pour les Catholiques Indiens, pour les Protestants et pour les Païens, a été regardée seulement comme la justification du schisme qu'elle était destinée à guérir, et n'a cessé depuis la publication du Concordat de 1857 d'être un moyen de provoquer des dissensions locales et des révoltes sans nombre. Rien ne nous garantit que ce fâcheux état de choses doive cesser ; car les autorités du Patronage sont infatigables dans leurs efforts pour étendre la Double Juridiction que Votre Sainteté s'était efforcé d'abolir, et pour donner des interprétations torturées et déraisonnables aux Décrets par lesquels Votre Sainteté avait voulu diminuer les maux qu'elle cause. Dans toutes les parties de l'Inde, de l'Indo-Chine et de Ceylan, où le Patronage Portugais avait pris pied, il y a eu des troubles qui ont pris fin seulement par l'extinction du "Padroado" dans chaque localité. Nous avons toute raison de craindre qu'il ne démentira pas l'histoire de son passé ; et l'esprit qui en ce moment anime ses défenseurs les plus en vue est de mauvais augure pour l'avenir de l'Église aux Indes.

10. C'est un fait digne de remarque et qui donne à penser que partout où le Clergé de Goa, a eu, dans ces derniers temps, des chrétiens confiés à sa charge, des révoltes partielles ont éclaté contre l'autorité ecclésiastique ; elles étaient le signe avant-coureur de révoltes plus sérieuses contre l'autorité suprême du Chef de l'Église. Partout, dans les anciennes limites des Siéges de Goa, de Cochin, de Mylapore, de Cranganore et de Malacca, cette triste histoire s'est reproduite. Nous ne voulons pas fatiguer Votre Sainteté en essayant de raconter les innombrables désordres qui ont éclaté dans les divers Vicariats Apostoliques, qui furent érigés par le Saint Siége sur l'ancien territoire des Diocèses susmentionnés, aux Indes, à Ceylan, en Birmanie et dans la presqu'île de Malacca. Des révoltes et des schismes se sont produits dans tous les pays où les prêtres

du Patronage ont exercé leur ministère, et quoiqu'ils aient généralement cessé, les germes de désordre n'en restent pas moins, prêts à éclater à tout moment, aussi longtemps que le Patronage durera. Quelques-unes des églises demeurées sous la juridiction Portugaise, sont pour ainsi dire des monuments de ces schismes, qui ont été un scandale pour les Païens et les hérétiques, et ont retardé le progrès de l'Église Catholique dans les Indes Orientales. Qu'il nous soit permis, de rappeler comme exemples caractéristiques des fruits du Patronage, les schismes qui se sont produits sur la Côte Ouest de l'Inde. Le schisme prolongé des Églises du Patronage dans le Malabar (Églises latine et syriaque), qui suivit la publication de la Lettre Apostolique *Multa præclare* en 1838, venait à peine d'être éteint, lorsque les prêtres du rite syriaque, qui avaient obtenu la permission de rester sous la juridiction extraordinaire de Goa, invitèrent l'Évêque Chaldéen Roccos, connu généralement sous le nom de Mar Thomas, à venir aux Indes. Celui-ci envahit le Malabar en 1861, contrairement aux ordres formels du Saint Siége et entraîna dans un nouveau schisme un grand nombre d'Églises Syriaques. Ce nouveau schisme fut de courte durée, mais les blessures qu'il avait faites étaient à peine guéries, que ces mêmes prêtres de la juridiction du Patronage firent des démarches pour avoir un autre Évêque schismatique de Bagdad: l'arrivée en 1874 de Mgr. Jean Élie Mellus, ancien Évêque d'Acra, fut le résultat de ces tentatives, et prêtres et fidèles en corps tombèrent dans un troisième schisme, dont les effets pernicieux subsistent encore dans le Vicariat Apostolique de Trichur, même après la conversion supposée de Mgr. Mellus lui-même. Nous sommes peinés d'avoir à rappeler ces faits malheureux, mais ils sont autant de preuves entre bien d'autres dans l'histoire des Indes Orientales, que le Patronage Portugais est un parasite vénéneux qui vit de la sève vivifiante de l'Église Catholique pour la tarir.

11. Les maux du Patronage Portugais et les scandales (civils et religieux) de la Double Juridiction étaient devenus tellement aigus, surtout dans l'ancienne Mission du Maduré (actuellement le Diocèse de Trichinopoly), que le 15 Août 1883 les Évêques du Sud de l'Inde s'unirent dans un Mémoire commun adressé au Gouvernement de Sa Majesté Britannique, pour implorer son aide en vue d'abolir à la fois le Patronage et la Double Juridiction. L'année suivante, le 26 Août, Votre Sainteté à notre grande joie publia le Bref *Studio et vigilantia*, par lequel le Patronage et la Double Juridiction étaient abolis dans les Vicariats Apostoliques de Hyderabad, Pondichéry, Calcutta, la Péninsule Malaise, le Bengale Oriental, Colombo et Jaffna, et nous étions informés qu'ils seraient abolis en 1885 dans toute l'étendue du territoire Anglais. Consolés par la pensée que l'heure de notre

délivrance était proche, et que des jours plus beaux allaient luire pour l'Église de l'Inde ; nous souvenant aussi des nombreux Mémoires qui avaient été envoyés au Saint Siége par les Catholiques des divers Vicariats, d'accord avec nos Évêques et nos Missionnaires, nous attendîmes avec confiance l'exécution des ordres de Votre Sainteté. Mais à notre grande douleur le Bref resta lettre morte, et en 1886 nous apprîmes avec stupéfaction qu'un Concordat venait d'être conclu par lequel le "Padroado" Portugais avait été êtabli sur une base plus solide qu'auparavant, et que la Double Juridiction avait été perpétuée dans ces mêmes Missions, savoir celles de Bombay et de Maduré, où elle avait produit plus de mal que partout ailleurs. Quoique toujours prêts à faire le sacrifice de nos désirs et de nos intérêts, de nos sentiments nationaux et patriotiques, sur un ordre du Saint Siége, nous fûmes douloureusement affectés par le cours inattendu qu'avaient pris les évènements, et nos cœurs se remplirent de sympathie pour les Évêques et les Missionnaires qui avaient tant souffert, et qui maintenant étaient récompensés seulement par une perpétuelle couronne d'épines.

12. Nous apprîmes avec un doulouroux étonnement que, outre la consolidation et la confirmation du Patronage et de la Double Juridiction, dont nous avions espéré l'abolition, non-seulement la plupart de ceux qui avaient fait constamment opposition aux désirs du Saint Siége, seraient l'objet d'exemptions et de concessions, mais encore que des groupes considérables de Catholiques qui avaient toujours été fidèles et obéissants, allaient être privés de leurs dévoués Missionnaires de la Propagande et placés sous la juridiction odieuse du "Padroado" qui n'a à sa disposition qu'un clergé peu nombreux en dehors des prêtres de Goa. Tel fut l'effet du Concordat dans les Diocèses de Verapoly, Madras et Trichinopoly. Non seulement trois Siéges Portugais furent rétablis ou érigés sur le territoire Anglais, mais encore le Roi de Portugal acquit un droit (quoique restreint) de Patronage sur quatre autres Diocèses aux frais des fidèles de France, d'Italie, d'Allemagne et d'autres nations, qui les soutiennent par leurs aumônes et leurs Missionnaires. Nous remarquâmes aussi que la Double Juridiction était seulement abolie dans un petit nombre de localités, où grace à des circonstances particulières elle avait été le moins dangereuse ; et que des milliers de chrétiens abandonnés (comme par exemple ceux de Salsette près de Bombay), qui pendant de longues années avaient supplié qu'on les délivrât de l'oppression du Patronage Portugais, lui étaient définitivement livrés. Tels sont les points principaux qui nous remplirent d'étonnement et de tristesse ; mais connaissant les difficultés du Saint Siége, nous gardâmes le silence en attendant des jours meilleurs. Nous avons cependant le regret de dire, qu'aux yeux d'un grand nombre de Catholiques de l'Inde, peu

instruits et par suite incapables de saisir la nécessité des concessions faites au Portugal, le Concordat fut sans aucun doute, un rude coup porté á l'autorité du Saint Siége.

13. Votre Sainteté n'ignore pas comment la nouvelle du Concordat fut reçue dans l'Inde. D'une part, les serviteurs obéissants du Saint Siége, c'est à dire la grande masse des Catholiques dans les Indes Orientales, gardèrent le silence et se soumirent, quoique blessés au vif et trompés dans leurs espérances. D'un autre côté une misérable faction, guidée par une poignée d'agitateurs sujets du Roi de Portugal, bien que domiciliés temporairement dans l'Inde Anglaise, commença par assaillir le Saint Siége avec les insultes les plus grossières, à susciter l'esprit de schisme, et méconnaissant les concessions énormes déjà faites au Portugal, à réclamer davantage. Cette faction trouva un puissant allié dans le Gouvernement Portugais, et en conséquence le Concordat dut être révisé. Le Diocèse de Poona, tel qu'il avait été délimité d'abord, perdit les deux tiers de sa population Catholique, et le déplorable système de la Double Juridiction fut remis en vigueur à Poona même. A Madras, où le Concordat primitif avait été mis à exécution par le Délégué de Votre Sainteté le 19 Janvier 1887, l'ouvrage fut détruit deux mois plus tard dans des circonstances humiliantes pour l'autorité de ce fidèle serviteur de Votre Sainteté, le très Réverend Joseph Colgan, Archevêque de Madras, sujet Anglais lui-même, quoique les personnes soumises auparavant à juridiction Portugaise eussent accepté de bon cœur de passer sous la sienne.

14. Au milieu des disputes et des désordres causés par la Double Juridiction, nous fûmes consolés dans une certaine mesure par la publication des Décrets rendus par Votre Sainteté le 13 Septembre 1887 et le 25 Septembre 1888, qui avaient pour but de porter remède au mal. Bien que les désirs et les intentions de Votre Sainteté fussent parfaitement connus, les ordres de Votre Sainteté furent regardés comme non avenus par les autorités du Patronage Portugais, et les Décrets eux-mêmes fournirent à la bande des agitateurs de Bombay l'occasion de nouvelles insultes contre le Saint Siége, et un prètexte pour en appeler de nouveau au Gouvernement Portugais. Les décisions cependant, furent publiées joyeusement par les Évêques dépendant de la Sacrée Congrégation de la Propagande, et nous fûmes informés (par le Délégué de Votre Sainteté) qu'elles étaient définitives et ne seraient pas modifiées. Nous fûmes de nouveau consolés par la publication au commencement de 1889, d'une lettre écrite le 21 Décembre 1888 par Son Éminence le Cardinal Rampolla, Sécrétaire d'État, à Son Excellence le Délégué Apostolique, dans laquelle l'agitation de la faction Goanaise à Bombay était condamnée,

et sa résistance aux décisions mentionnées plus haut était stigmatisée du nom d'" insensée." Dans l'intervalle, les autorités du Patronage continuaient à méconnaitre les susdites décisions, et l'on entendait dire qu'elles avaient fait appel, non à Votre Sainteté, mais au Gouvernement Portugais ; et enfin le 18 Avril de cette même année, un Décret fut publié par le Délégué Apostolique au nom de Votre Sainteté, par lesquelles les susdites décisions étaient modifiées selon le désir de la faction Goanaise, et l'exercice de la Double Juridiction recevait pour base des catalogues impossibles et changeants sans cesse, dont les noms ne peuvent jamais être écrits correctement, et doivent par là-même être la cause de nouveaux doutes et de nouvelles disputes ; elle était basée aussi sur des " groupes " imaginaires de chrétiens impossibles à déterminer.

15. Très Saint Père, dans les Indes Orientales il y a un grand nombre de chrétiens dont les dispositions sont excellentes, mais qui, faute d'instruction suffisante, sont incapables d'apprécier les difficultés particulières du Saint Siége. Ils considèrent les choses selon leur point de vue personnel, et ils ne peuvent pas comprendre comment il se fait que le Souverain Pontife est dans la nécessité de consulter les intérêts du Portugal pour régler les affaires de l'Église dans un territoire Anglais. Aux yeux de cette catégorie de chrétiens, le Concordat et la Double Juridiction servent à affaiblir l'autorité du Saint Siége, tandis que les différents ordres et décisions qui sont publiés de temps en temps leur semblent presque contradictoires, et amoindrissent l'autorité des Évêques et des Missionnaires qui ont à les publier. C'est vraiment triste que des laïques soient continuellement obligés de discuter entre eux le sens et l'objet des ordres du Saint Siége. C'est une chose plus triste encore, lorsque ces mêmes ordres ont un sens pour les Évêques de la Propagande et un autre pour les Évêques du Patronage et qu'en conséquence de cette différence d'opinions, les laïques ont à interpréter pour eux-mêmes les décisions du Saint Siége. Il est vraiment à déplorer que chaque nouveau décret ou décision donne lieu, parfois dans une seule et même famille à de nouvelles discussions et disputes qui ne peuvent cesser que par l'abolition complète du Patronage. Il n'y à pas une autre contrée dans l'univers où les personnes séculières soient dans le doute à l'égard de l'évêque ou du prêtre qui est leur légitime supérieur ecclésiastique : il n'y a pas une autre contrée où les évêques et les prêtres soient continuellement obligés de disputer, non seulement entre eux, mais encore avec les séculiers, qui sont l'objet de la querelle, pour savoir à quelle juridiction ils appartiement. Ces choses qui scandalisent et troublent les Fidèles, sont tout-à-fait incompréhensibles pour les non-catholiques qui les entourent ; et l'Église apparait aux yeux des Païens et des Protestants comme un composé

de sectes sans cesse en dispute. Une chose déplorable est que chaque nouvelle concession faite au Portugal, excite la faction Goanaise à quelque nouvelle résistance et agitation. Enfin les Évêques Portugais ne peuvent que cesser de commander le respect et l'obéissance même à leurs propres sujets, clergé et séculiers, qui les voient obligés par leur position d'avoir l'œil plutôt sur Lisbonne que sur Rome, et placés dans une espèce d'antagonisme à l'égard de tout ce qui n'appartient pas au Patronage.

16. C'est l'effet des dernières concessions au Portugal qui nous a principalement porté à faire appel à Votre Sainteté. A en juger par l'esprit avec lequel on a reçu ces concessions, à en juger aussi par l'attitude prise par les autorités du Patronage, nous concluons une fois de plus que l'esprit de résistance au Saint Siége est si inhérent aux partisans de cette institution, qu'il ne peut y avoir de solide paix dans l'Inde sans la disparition complète du Patronage. L'Église dans cette contrée, au lieu de se montrer parfaitement unie et soumise au Saint Siége, présente le spectacle de sectes rivales, et pour cette raison, une controverse fructueuse devient impossible avec les Infidèles qui sout éloignés de la foi par nos propres divisions. Seule la vue de la charité et du dévouement des Missionnaires de la Propagande sauve l'Église aux yeux des Infidèles.

17. Mais tandis que nous parlons du déplorable effet de ces disputes sur les Catholiques et les Infidèles, nous ne devons pas oublier d'observer que ces disputes en elles-mêmes n'ont de consistance que celle qu'elles reçoivent de l'intervention du Gouvernement Portugais. Il est certain que si le Patronage était aboli, et si le Gouvernement Portugais cessait d'intervenir dans les Indes Anglaises, dans l'espace de quelques années seulement toutes les divisions cesseraient et l'Église prendrait son naturel developpement sous la bienveillante autorité de Sa Majesté Britannique. C'est l'état prolongé d'incertitude, ce sont les perpétuels changements et les occasions qui leur sont maintenant fournies de faire appel au Portugal contre le Saint Siége, qui entretiennent ces disputes et qui paralysent l'action de l'Église. Parlant en général, nous pouvous dire qu'il n'y a réellement aucun parti sérieux dans l'Inde en faveur du Patronage Portugais ; pratiquement il n'a maintenant aucun partisan qui, n'était l'intervention du Portugal, ne consentît à se soumettre volontiers et sans retard à la juridiction généralement connue sous le titre de Propagande. Il est vrai que la presse a eu quelques bruyantes discussions qui pourraient tromper certaines personnes au loin, et leur faire croire que les chefs du Patronage forment un corps considérable et influent, mais de telles discussions ne signifient rien ; du côté du Patronage

ces discussions sont le fait d'un petit nombre de personnes intéressées qui ont surtout en vue d'influencer l'opinion publique en Portugal. Dans l'Inde elle-même, les défenseurs du Patronage ont peu de crédit. En parlant de la Présidence de Madras et des Diocèses de Madras et de Trichinopoly en particulier, nous pouvons dire que de fait, les fidèles, même ceux qui sont sous la juridiction Portugaise, n'ont aucun sentiment réel d'affection pour le Patronage ni aucun désir sérieux de sa conservation. Soit simple habitude, soit ignorance, un certain nombre de personnes qui ont fini par s'y accoutumer, en parlent favorablement et avec estime ; d'autres y sont simplement indifférents ; mais nulle part on ne trouvera même un petit nombre de Catholiques qui sérieusement et par principe désirent sa continuation. Il y en a qui ont une prédilection pour telle église en particulier soit à cause de la famille soit pour d'autres raisons, mais d'attachement au Patronage comme tel il n'en existe guère. Aussi nous déclarons à Votre Sainteté que si on considère le Patronage dans l'Inde au point de vue seulement local, sa continuation n'est pas justifiée. Quoique à regret, nous devons parler ainsi clairement parce que souvent ou a profité du silence et de la soumission générale du peuple de l'Inde au Saint Siége pour le représenter comme dévoué à la cause du Patronage et parce que le Gouvernement Portugais a fait valoir comme preuves d'un attachement qui n'existe pas, les marques de respect que les fidèles témoignent aux Évêques Portugais selon que le devoir les y oblige.

18. Dans le quatrième paragraphe de cette petition nous avons fait allusion à la classe des personnes qui se constituent les défenseurs du Patronage. A Bombay le foyer de toutes les agitations goanaises, et en général dans toute la Présidence de Bombay, cette catégorie consiste en une bande de sujets portugais, émigrés de Goa, hommes de principes équivoques qui, selon la parole vraie du Cardinal Rampolla, faisant appel aux passions des gens " pervers et ignorants " ourdissent de fausses demonstrations contre la Sacrée Congrégation de la Propagande. A ce groupe on peut ajouter un petit nombre de personnes qui ont des intérets matériels engagés dans les propriétés des églises et qui les font servir à leur propre avantage ; et un très petit nombre de personnes qui tout en professant la foi Catholique maintiennent le Patronage sur les principes du Joséphisme, parce qu' à leurs yeux c'est une entrave mise à la liberté du Souverain Pontife. Il est enfin un petit groupe de personnes qui, dans leurs églises respectives, profitant du relâchement de la discipline dans le clergé de Goa, se sont arrogé un droit de contrôle qui en tout autre pays n'eût pu être toléré. Et ici nous ne devons pas omettre de faire remarquer que souvent des ministres Protestants poussés par l'instinct de l'hérésie se font les avocats du Patronage.

Ils n'ignorent pas qu'il paralyse l'action de l'Église, et que les Fidèles qui lui sont soumis, se laissent prendre facilement aux piéges de l'hérésie, comme on en a vu des exemples dans plusieurs contrées du Sud de l'Inde. Tels sont, Très Saint Père, les défenseurs du Patronage, et beaucoup de Catholiques dans l'Inde incapables d'apprécier les difficultés avec lesquelles le Saint Siége est aux prises, sont parfois tentés de s'écrier : " Pourquoi tant de faveurs accordées si libéralement à un Roi étranger alors que les représentations de nos Évêques et les nôtres demeurent sans effet ? Pourquoi tant de concessions octroyées aux instances des ennemis du Saint Siége, tandis que nous, qui n'en sollicitons aucune, sommes traités comme si nous n'avions aucun intérêt dans les affaires de notre propre pays ? " Quoique nous n'ignorions pas avec quelle vigueur le Saint Siége a lutté en faveur des Indes, nous ne pouvons pas cacher à Votre Sainteté que tels sont les murmures des gens mal informés ; tandis que bon nombre se laissent aller au découragement, il en est qui mettent en doute l'autorité du Saint Siége, d'autres sont portés à croire que les Évêques de la Propagande ont perdu la confiance du Souverain Pontife. C'est encore un fait bien connu que les schismatiques du Malabar sont incapables de comprendre les changements opérés par le Saint Siége dans des décisions qu'il a déclarées irrévocables. Ils regardent ces changements comme de nouveaux arguments contre l'infaillibilité du Saint Siége, et un nouvel obstacle vient entraver leur conversion, lorsque à leurs yeux la Suprême autorité de Rome semble se contredire.

19. Nous aurions été heureux d'accueillir le Concordat si nous avions eu quelque raison de croire qu'il mettrait un terme aux maux signalés au Gouvernement Portugais par S. E. le Cardinal Jacobini, le 10 Avril 1884, mais nous avons la douleur d'avouer que l'attitude prise par le Gouvernement Portugais depuis le Concordat nous laisse entrevoir que ces maux continueront encore. Le Saint Siége a fait connaître souvent au Gouvernement Portugais que pour la prospérité et le progrès de l'Église, il fallait necessairement un clergé instruit, vertueux et animé d'un zèle vraiment apostolique ; ce clergé nous l'avons dans les Missionnaires de la Propagande et les prêtres qu'ils ont formés. Nous ne voulons pas décrier le clergé du Patronage ; c'est le Gouvernement Portugais seul qui doit être blâmé pour les qualités dont ces prêtres sont dépourvus ; mais ce que personne ne pourra nier, c'est qu'ils sont incapables de faire le travail des Missionnaires qui sont sous la juridiction de le Propagande. Il est rare de trouver dans l'Inde une véritable vocation pour le Sacerdoce. Le Cardinal Jacobini dans sa lettre du 10 Avril 1884 dont nous avons fait mention plus haut, fait allusion à cette absence de vocation divine pour beaucoup de prêtres goanais et fait voir en détail les malheureuses conséquences

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de la facilité avec laquelle les autorités du Patronage élèvent aux ordres sacrés les candidats qui se présentent. Néanmoins malgré ce que nous ne pouvons nous empêcher de regarder comme la plus sérieuse objection contre cette institution, le Gouvernement Portugais n'a cessé d'afficher avec ostentation le nombre de prêtres goanais, comme preuve de son aptitude à satisfaire aux exigences des Diocèses du Patronage, comme il est facile de le voir d'après les nombreux documents qu'il a adressés au Saint Siége durant les négociations qui précédèrent le Concordat. Peu de temps avant sa mort, le dernier Archevêque de Goa dans une lettre écrite le 1er Septembre 1879 déplorait ce qui manquait à son clergé, et l'impossibilité où il se trouvait lui-même d'examiner la vocation des aspirants aux Saints Ordres.

Comment se peut-il en effet que les séminaristes se forment aux vertus sacerdotales, si, comme le faisait remarquer l'Archevêque en parlant de son propre séminaire de Goa, ils sont obligés de vivre dans des maisons particulières, souvent situées à une distance de plusieurs milles du séminaire ? Si d'un côté nous jetons un regard sur les autres Diocèses du Patronage, quel espoir peut-on concevoir de trouver des candidats convenables et en nombre suffisant, puisque, comme l'Archevêque ajoutait dans la même lettre "seulement les classes les plus basses et les plus ignorantes" sont restées au Patronage ? Mais en supposant même qu' on puisse trouver de véritables vocations, où trouvera-t-on des prêtres du Patronage capables d'élever et de former les candidats ? Si les Évêques de la Propagande en dépit de tout leur zèle pour accroître le nombre des prêtres indigènes, ne rencontrent que peu de vocations, quel espoir peut-il y avoir pour les Évêques du Patronage ? La nécesité donc d'avoir un grand nombre de Missionnaires d'Europe est aussi grande dans les Diocèses du Patronage qu'elle l'est dans ceux de la Propagande ; mais le Gouvernement de Portugal a une idée si imparfaite des charges qu'il a acceptées qu'il n'a envoyé de Portugal pour l'Inde entière que dix ou douze Missionnaires, et cela pour répondre aux nécessités des séminaires, collèges, écoles, orphelinats et autres institutions qu'il s'est engagé à fonder ; pour administrer les fidèles, parmi lesquels la connaissance de six ou sept langues différentes est nécessaire, et enfin pour évangéliser les païens. Nous n'espérions pas même qu'il en ferait autant, en considérant que le seul collége pour les Missions qui soit en Portugal ne peut suffire aux besoins des possessions Portugaises en Afrique, et que les Ordres religieux continuent à rester supprimés. Mais c'est précisément ce manque de prêtres capables, et l'impossibilité où se trouve le Patronage d'y porter remède, qui nous fait craindre, qu'à l'exception peut-être des grandes villes, les Missions Goanaises, comme ou les appelle, continueront à rester dans leur état présent de désordre et d'abandon. Déjà dans le cas des chrétiens qui ont

été obligés de passer de la juridiction de l'Archevêque de Madras sous celle du Patronage, lors de l'exécution du Concordat, il y a eu des plaintes. Très Saint Père, c'est là l'une des significations du Concordat ; il veut dire que beaucoup de Catholiques de l'Inde vont être obligés de passer entre les mains d'un clergé insuffisant et incapable ; il signifie que le progrès de l'Église sera arrêté dans plusieurs parties de l'Inde ; il signifie que les ministres de l'hérésie vont avoir une nouvelle occasion de séduire dans leur Foi les pauvres et les délaissés. Quand nous voyons que même à présent quelques villages sont privés des sacrements à cause de la négligence goanaise, et que plusieurs sont tombés dans le Protestantisme, pendant que les Missionnaires qui seraient à même de les secourir, n'ont pas la permission de le faire, nous ne pouvons pas ne pas ressentir quelqu' amertume contre le Gouvernement de Portugal. Nous n'avons pas oublié les évènements qui eurent lieu pendant la famine qui exerça ses ravages dans le Sud de l'Inde en 1876-77, pendant laquelle un grand nombre de Catholiques pauvres, soumis à l'insouciante juridiction du Patronage, furent gagnés au Protestantisme tandis que les Missionnaires de la Propagande, empêchés, par la Double Juridiction, de sauvegarder ces âmes abandonnées, faisaient dans le même temps et les mêmes endroits, de nombreuses conversions parmi les païens.

Néanmoins, malgré des faits si notoires, les Évêques du Patronage, loin de consentir à abandonner la moindre partie d'une juridiction inutile, ne cessent d'agir auprès de leur Gouvernement pour presser le Saint Siége de l'étendre encore davantage, quoique le désir constant des Souverains Pontifes ait été de la limiter et de la restreindre. Et c'est un fait pénible à constater, que, tandis que les prêtres du Patronage, ne peuvent veiller aux intérêts des chrétens placés sous leur juridiction, quelques-uns d'entre eux s'efforcent en ce moment même de pousser à la révolte les chrétiens soumis à la Propagande, comme c'est le cas, dit-on, dans le Diocèse de Trichinopoly, et à Bandora près de Bombay. De temps à autre, il y a eu des troubles parmi les chrétiens soumis à la Propagande, mais la source de tous ces désordres n'est autre que les éléments de trouble semés dans Inde par le Patronage.

20. Le Concordat, nous regrettons de le dire, n'a pas apporté la paix, et la raison en est que le Gouvernement Portugais et ses partisans ne sont pas animés des mêmes sentiments que Votre Sainteté. C'est avec peine que Votre Sainteté a entendu parler des divisions mesquines qui suivirent l'exécution du Concordat à Ceylan et dans le Diocèse de Mangalore, lorsque certains chrétiens, autrefois sounis à la juridiction extraordinaire de Goa, furent placés sous la juridiction

des Évêques de la Propagande. Ces divisions qui, heureusement ne sauraient durer longtemps, sont les fruits de l'esprit de révolte inhérent au Patronage et elles furent fomentées dès le commencement par les partisans du Patronage à Bombay. Quelle différence entre cet esprit et celui que manifestèrent les Catholiques, qui, d'après le Concordat durent passer sous la juridiction du Patronage. Tous obéirent de suite aux ordres du Saint Siége, quoique le changement fût pour eux une dure épreuve. Les Chrétiens de Manargudi, de Tanjore, et de Négapatam, qui, eux aussi dès que le Concordat sera mis à exécution dans le pays, auront à passer au Diocèse de Méliapour, ces chrétiens sont animés du même esprit d'obéissance, bien qu'ils soient désolés à la pensée de perdre leurs Missionnaires pour passer sous l'administration négligente du Patronage.

21. Très Saint Père, avant de terminer cette humble supplique, nous vous demandons la permission de nous étendre un peu au long sur deux points de grande importance : nous voulons parler des maux qu' entraîne la Double Juridiction et de l'état présent de doute et d'incertitude sur tout ce qui s'y rapporte. Rien ne peut s'arranger promptement sur place, soit à l'amiable entre évêques, soit par les décisions du Délégué de Votre Sainteté : il faut en référer du tout au tout à Lisbonne. C'est avec la plus grande répugnance que nous faisons entendre nos plaintes, mais nous qui habitons les lieux mêmes, nous ne pouvous nous dissimuler les maux qui découlent de la Double Juridiction. Ces maux étaient déjà très graves avant le Concordat de 1886 comme on peut le voir, par exemple dans la lettre de Son Eminence le Cardinal Secrétaire d'État, que nous avons mentionnée plus haut, ainsi que dans le Bref *Studio et vigilantia*, publié par Votre Sainteté, le 26 Août 1884. Mais les concessions récemment faites au Gouvernement Portugais, dans le Décret du Délégué de Votre Sainteté, donné le 18 Avril, 1890, ont rendu l'exercice du Saint Ministère à peu près impossible. Nous nous bornons à montrer le nouvel état de choses inauguré dans la ville de Madras où au milieu de l'Archidiocèse de Madras, se trouveut cinq églises exemptées et soumises au Patronage, cinq églises spécifiées dans le Bref *Post initam,* 7 Juin 1887. Par un Décret du 20 Mars 1887, Son Excellence Monseigneur Agliardi établit que seules les personnes qui appartenaient alors à ces églises étaient sujettes au Patronage et cette règle de discipline fût réitérée dans les décisions données à Rome le 13 Septembre 1887 et le 25 Septembre 1888, avec cette exception que le nombre des fidèles soumis à ces églises pourrait être accrû par de nouvelles conversions où par la venue d'autres chrétiens déja soumis au Patronage, qui fixeraient leur demeure dans les enclos ou "compounds" des cinq églises exemptées. Maintenant par le Décret du 18 Avril 1890 tout est jeté dans la confusion par suite de l'exten-

sion que l'on donne à l'exemption en l'étendant aux personnes du diocèse de Mylapore venant dans le diocèse de Madras et par d'autres concessions. C'est ainsi, par exemple, que si l'on transfère un régiment de troupes Anglaises de St. Thomas Mount, qui se trouve dans le diocèse de Mylapore, à Fort St. George dans le diocèse de Madras, le Patronage réclame la juridiction sur ces soldats Catholiques, quoiqu'il n'y ait dans les environs du Fort aucune église exemptée et aucun prêtre du Patronage pour subvenir à leurs besoins spirituels, et cela, quoiqu'il se trouve, *dans les mêmes casernes*, d'autres soldats Anglais soumis à une autre juridiction. Il est inutile de représenter à Votre Sainteté quelle impression défavorable un état de choses si scandaleux (inconnu avant le Concordat) est à même de produire sur les autorités militaires. Supposons, par exemple, que l'on donne au Cardinal Archévêque de Frascati juridiction sur toutes les personnes qui laissant son diocèse iraient s'établir à Rome. Dans un cas pareil comment les curés de Rome pourraient-ils distinguer les Catholiques de *Frascati* des Catholiques *Romains?* Telle est la position des prêtres de la Propagande à Madras et il en résulte que souvent les sacrements sont administrés d'une manière illicite et parfois invalidement par suite du manque de juridiction. Mais cette comparaison est très imparfaite, et pour la compléter il faut de plus supposer que les Catholiques de Frascati sont forcés à leur corps défendant de rester sous leur ancienne juridiction. Les difficultés se compliquent encore de circonstances propres à l'Inde, telle que l'absence de noms de familles pour ce qui est des Catholiques indigènes, et l'usage du même nom de baptême par des centaines de personnes. Comment, par exemple est-il possible de distinguer entre des centaines de personnes portant le nom d'Antony, où même de jamais préparer et de tenir correctement des catalogues de noms ? Est-il juste de tourmenter des malades et des mourants avec des questions de juridiction ?

22. Voilà quelques exemples des difficultés les plus simples et les plus pratiques de la Double Juridiction, difficultés inévitables même quand les autorités des deux côtés sont animées d'une même bonne volonté et ont les mêmes intentions, mais où les singuliers sentiments qui gouvernent les autorités du Patronage et le caractére répréhensible de plusieurs des prêtres Goanais, font qu'on doive encore s'attendre aux dangers beaucoup plus sérieux qui se trouvent mentionnés en détail dans la lettre de Son E. le Cardinal Jacobini. Mais comme par le passé, toute la part pénible et laborieuse du ministère restera le lot des prêtres de la Propagande, et les réclamations pour cause de juridiction seront faites par le Patronage comme par le passé, surtout à l'occasion de mariages et de sépultures, alors qu'il est question de quelques avantages pécuniaires.

23. Nous avons dit en passant comment dans l'Inde en général et dans la Présidence de Madras en particulier les défenseurs et les partisans du Patronage sont peu nombreux, et rarement obéissent à des motifs avouables, et que la vaste majorité de ceux qui sont actuellement soumis à la juridiction se réjouiraient de la voir abolie. Ainsi il arrive que toutes les concessions et exemptions qui sont faites nominalement en faveur des sujets du Patronage, ne sont en réalité nullement en leur faveur.

Les sujets du Patronage ne les désirent pas; et elles sont souvent odieuses à ces mêmes personnes qui désirent si ardemment être délivrées de leur servitude, mais le Patron Royal comme un nouveau Pharaon ne prétend pas les laisser échapper ; il les suit et leur impose sa chaîne même lorsqu' ils s'en vont dans un Diocèse de la Propagande.

Il y a plusieurs exemples d'infortunés de ce genre à présent dans l'Archidiocèse de Madras, et les dernières concessions ont rendu le Patronage plus odieux que jamais. Dans cette circonstance comme en tant d'autres semblables, tout tend à faire naître dans le cœur des Catholiques Anglais une impression pénible, car il leur semble que les affaires ont été arrangées comme si eux les seuls vraiment intéressés dans la question, ne méritaient aucune considération et constituaient une quantité négligeable. Il y a un continuel va et vient de Catholiques entre l'Archidiocèse de Madras et le Diocèse de Méliapore, qui se partagent la ville de Madras ; néanmoins, alors qu'absolument aucune concession, d'aucun genre et en aucun cas, n'est faite en faveur de l'Archidiocèse, ses sujets tombent sous le Patronage quand ils vont se fixer dans le Diocèse de Méliapore et quand ensuite, ils viennent de nouveau habiter le Diocèse de Madras, ils doivent à contre cœur rester sous la direction du Patronage et non seulement perdre les avantages de la juridiction éclairée et bienfaisante de la Propagande, à laquelle ils etaient fiers d'appartenir, mais être actuellement *séparés en juridiction de leurs plus proches parents et amis habitant la même maison, la même rue ou la même localité.*

Si les décisions récentes doivent être interprétées comme elles le sont à présent, l'Archidiocèse de Madras sera graduellement privé de la population Catholique qu'il possède dans la cité épiscopale, et cela arrivera en dépit des plus vifs désirs de la population en question et avec un grand détriment pour la religion. C'est vraiment pénible de contempler la série interminable de disputes et de désordres que l'Église de Madras est destinée à voir aussi longtemps que le Décret du 18 Avril 1890 restera en vigueur, et de constater que le Concordat, destiné à apporter la paix, est devenu, par l'application qui en est faite actuellement, la

source de nouvelles difficultés d'un caractère pire qu'auparavant, puisqu'elles menacent de s'éterniser. Nous parlons de Madras seulement, parce que nous l'avons sous les yeux. Nous ne parlons pas ici de Bombay ni de Poona ni du Diocèse de Trichinopoly où le désordre et la confusion règnent à un tel point que nos troubles à Madras sont relativement insignifiants.

24. Déjà dans cette ville de Madras les concessions récentes faites au Patronage, et spécialement le Décret du 18 Avril 1890, jointes à la confusion, à l'incertitude et à des changements constants, déterminés par la Double Juridiction, ont commencé à produire des résultats très-pernicieux pour la religion, et beaucoup de bons Catholiques qui désirent la paix et la prospérité de l'Église sont jétés dans une espèce de désespoir. Le travail des missions est paralysé ici comme à Bombay et même lès non-catholiques sont scandalisés. Le développement des œuvres d'éducation et de religion est arrêté et les Catholiques découragés commencent à refuser leurs contributions aux œuvres de piété et aux institutions charitables parce qu'avec un avenir si incertain ils craignent que leurs aumônes ne tombent entre les mains du Patronage. Les désordres d'ancienne date qui désolent l'Église de St. Pierre à Royapuram dans Madras, désordres résultant de la Double Juridiction, ont reçu une nouvelle impulsion. Dans le Diocèse de Trichinopoly il y a eu de nouveaux désordres causés par les prêtres Goanais encore sujets à la juridiction extraordinaire de Goa, tout comme à Bandora près Bombay des révoltes ont été provoquées contre la juridiction de la Propagande.

Il y a de nombreux Catholiques bons mais peu instruits qui refusent dans leur simplicité de se croire sujets du Patronage, et les prêtres de la Propagande sont fort embarrassés lorsqu'ils ont à leur refuser le secours de leur ministère ; d'autant plus que souvent eux-mêmes sont dans le doute pour savoir à quelle juridiction ces Catholiques appartiennent.

25. C'est ici le lieu de représenter sérieusement à Votre Sainteté que l'existence du Patronage est en voie non seulement de discréditer les Catholiques de Sa Majesté Britannique aux yeux du Gouvernement mais encore d'inspirer au Gouvernement lui-même de la défiance à l'égard de tous les Évêques et Missionnaires Catholiques qui ne sont pas sujets de la Grande-Bretagne. Personne n'ignore la répugnance que le Gouvernement Anglais éprouve à accepter comme aumôniers militaires des prêtres du Patronage. L'affaire fut sérieusement discutée par les autorités Anglaises après la publication du Concordat de 1857, et elle l'a eté de

nouveau à la suite du Concordat de 1886 ; or il parait probable que pour trancher la difficulté où le place le droit des Évêques du Patronage à nommer ces aumôniers, le Gouvernement de Sa Majesté refusera de reconnâitre où de payer tout chapelain qui ne serait pas sujet Anglais. Le Gouvernement a plus d'une fois pris cette mesure en considération. Ce serait un grand malheur s'il la mettait à exécution, car il y a en ce moment peu d'aumôniers de nationalité Anglaise et les Catholiques de l'Inde ne peuvent compter pour les secours spirituels que sur des Missionnaires d'une nationalité étrangère. Ce n'est que grâce à la présence du Patronage Portugais en certains endroits que le Gouvernement Britannique songe à priver les Missionnaires Français, Allemands, Belges, Italiens, et autres des fonctions d'aumôniers, qu'ils remplissent à l'entière satisfaction des autorités civiles et militaires, et des Catholiques de l'Inde.

26. Telle est, Très-Saint Père, l'exposition en abrégé de quelques-uns des maux qui découlent du Patronage, et de quelques-uns des troubles et des dangers qui nous assiégent dans l'Inde. Nous en avons exprimé d'autres dans notre mémorial au Gouvernment de Sa Majesté Britannique.

Aux yeux des Catholiques, des Protestants et des Païens, le Saint Siége et la dignité épiscopale sont avilis par le Patronage du Portugal. Nous avons représenté à notre Gouvernement l'outrage commis sur les sujets Britanniques par l'application du Placet Royal du Portugal, aux documents émanés du Saint Siége, et nous avons démontré les pernicieux effets de ce Patronage sur les entreprises des Missionnaires, sur l'éducation catholique et sur les institutions de charité. Il ne nous reste maintenant qu' à ajouter, entre autres mauvais effets, que quelques-uns des Catholiques Anglais occupant des positions influentes dans l'Inde, restent en quelque sorte étrangers à l'Eglise du pays où ils passent la meilleure partie de leur vie, et cela uniquement parceque l'Eglise qui devrait être unie est divisée et déshonorée par le Portugal ; et ainsi arrive-t-il que les missions ne reçoivent pas cet aide effectif et cette sympathie que ces personnes pourraient autrement leur accorder. Un autre inconvénient c'est le tort fait à ces mêmes missions, qui étant entravées dans leur progrès par le Patronage, ne reçoivent pas les aumônes que les fidèles d'Europe veulent offrir de préférence aux missions qui sont à l'abri de toute ingérence Portugaise.

27. Comme conclusion de cette humble supplique, l'Union Catholique de Madras, renouvelle au Saint Siége ses sentiments d'obéissance et de dévouement, et prie pour hâter le jour où le Patronage Portugais sera aboli, où les

Catholiques de l'Inde pourront dire : " Laqueus contritus est, et nos liberati sumus " et implore la bénédiction de Votre Sainteté.

Nous demeurons,

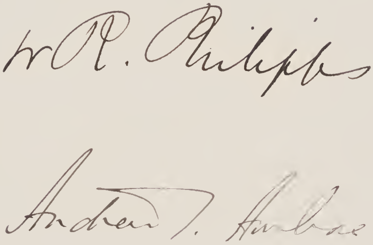
Très-Saint Père,

De Votre Sainteté,

Les enfants très-dévoués et très-obéissants

en Jésus Christ Notre Seigneur,

Secrétaires Honoraires Adjoints.



Madras, 16 *Decembre*, 1890.

COUNCIL OF THE MADRAS CATHOLIC UNION.

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To

His Holiness the Pope Leo XIII.,

VICAR OF JESUS CHRIST, AND SUPREME
PONTIFF OF THE UNIVERSAL CHURCH.

Most Holy Father,

We, the Members of the Madras Catholic Union, humbly offer to Your Holiness the assurance of our unchanging obedience to the successor of St. Peter, and of our gratitude for the continual solicitude, which the Holy See has shewn for the Church in India.

2. The Catholic Union of Great Britain was established in the year 1871 by the counsel and express wish of His Holiness the Pope Pius IX., and its object was declared by that illustrious Pontiff Himself to be "the defence of Catholic interests." Guided by the counsel of the august predecessor of Your Holiness and the similar counsels, so often given by Your Holiness, following the example of the Catholics of Great Britain and of the Bombay Presidency, and encouraged by the approbation of their Bishops, the Catholics of the South of India have founded for the defence of Catholic interests an association under the name of the "Madras Catholic Union."

3. In humbly imploring the blessing of Your Holiness upon our rising society, we desire first of all to unite ourselves with the Bishops of India, and to join with them in the sentiments expressed in their letter written on the 8th August 1887, when they thanked Your Holiness for the establishment of the new Indian Hierarchy. Never have the Roman Pontiffs relaxed in their zeal to extend the Kingdom of Christ in these regions, never have they ceased to care for the distant Churches of the East Indies, but in our own times how numerous have been the instances of their solicitude! Not to speak of the preliminary measures taken by H. H. the Pope Gregory XVI., we recall to mind that on the 24th April 1838 that illustrious Pontiff issued His Apostolic Letter, beginning with the words *Multa praeclare*, thus delivering the Indian Church in great part from the withering effects of the Portuguese "Padroado," and inaugurating the present era of flourishing Missions. From that date and ever since, gladly responding to the invitations of the Supreme Pontiffs, numerous companies of devoted Missionaries and Religious of both sexes have come to India to minister to neglected Christians, to reconcile heretics and schismatics to the Faith, and to evangelise the heathen. Almost the entire modern Church of India is the creation under God of these devoted servants of the Holy See, who have covered the land with churches and

chapels, with religious houses, and with flourishing institutes of charity and of education. And though the wise measures of the two predecessors of Your Holiness were thwarted by the schismatical opposition of a Government, which once was proud to co-operate with the Holy See in the evangelisation of the East Indies, yet both of those Pontiffs, whose memory will ever be revered by the people of these regions, even in this life were consoled to see the results, which rewarded their solicitude. They saw new life infused into the decaying Church of the East Indies: they saw old losses repaired, and an immediate and constant increase in the number of the Faithful. Most Holy Father, it has been reserved by the Providence of God for Your Holiness to crown the grand work inaugurated by Gregory XVI., and the very year of the Sacerdotal Jubilee of Your Holiness was marked by the establishment of the new Indian Hierarchy. When we celebrated the fiftieth anniversary of the Brief *Multa praeclare* in 1888, the erection of the Hierarchy had already been accomplished amid the joyful acclamations of the Clergy and Faithful of India. And ever since that great event, there have been new instances of the unceasing solicitude of Your Holiness: the Diocese of Nagpur was created: new mission fields have been opened out by the erection of the Prefectures of Assam and Kafiristan: two Vicariates have been established for the Christians of the ancient Syrian Rite: and the number of Missionaries has been increased by the arrival of those to whom Your Holiness has entrusted the new enterprises of the Holy See. We are unworthy of so many marks of favour: we are dependent entirely upon the paternal care of Your Holiness, upon our Father, who knows how to enlist on our behalf the apostolic zeal of Missionaries of all nations, and to obtain for us the sympathy and alms of the Faithful of other countries: we shall never cease to be grateful to Your Holiness and to our benefactors, and we promise to shew our gratitude by unwavering obedience to the wishes of Your Holiness, and by co-operating in our humble way with the Bishops and Missionaries, who have made so many sacrifices on our behalf.

4. Though we, the Catholics of India, regard the erection of the Hierarchy as a proof of the confidence, which Your Holiness reposes in us, yet we feel that we have earned no right to speak for ourselves; for we owe our Clergy, our Churches, our Schools, to the kindness of Your Holiness and to the generosity of the Faithful of other lands. Still, as obedient and loving sons, we have confidence in laying our hopes and fears before Your Holiness, and if we venture to address Your Holiness regarding the Concordat concluded on the 23rd June 1886 between Your Holiness and the Portuguese King, it is because we grieve to see the wishes of Your Holiness thwarted by the interference of misguided laymen in Portugal, who seem to wish to sacrifice the peace and prosperity of the Church in India and its future development to the exigencies of political parties in their own country.

We are well aware of the paternal patience of the Holy See: we know how long and how earnestly it has struggled to secure the freedom of the Church in India: we know how intimately it is acquainted with the peculiar needs of the Indian Missions: we recall to mind the numerous documents, in which its sentiments have been unmistakably expressed, such as the Apostolic Letter *Multa praeclare* above mentioned, the Brief *Probe nostis* of 9th May 1853, the letter written by H. H. the Pope Pius IX. on the 3rd August 1864 to the King of Portugal, the Brief *Studio et vigilantia* of the 26th August 1884, not to mention the letter which H. E. the Cardinal Jacobini, Secretary of State, addressed to the Portuguese Ambassador on the 10th April 1884. We are aware also of the unanimous sentiments of the Missionary Bishops and Priests of India, of the earnest representations made by the Bishops of the Madras Presidency to the Holy See and to the British Government regarding the deplorable effects of the Portuguese "Padroado" and of the Double Jurisdiction. We know also that, speaking generally, the sole supporters of the "Padroado" in India are made up of temporary emigrants from the Portuguese possession of Goa (and not really many of them), of certain persons, who have a material interest in its continuance, and of persons (or their descendants), who, mostly through ignorance, adhered to the disgraceful schism, which, fomented by the Portuguese Government, afflicted the Church in India from about 1834 till the publication of the Concordat of 1857. We know also that the exercise of a Foreign Patronage in British territory is opposed to the policy of the Government of the Queen Empress of India, who tolerates it only because it has the sanction of Your Holiness. We are conscious also that it prejudices us, Catholics in British India, in the eyes of our own Government, and alienates from us the sympathy and aid which that Government might otherwise afford. Finally, we know that this Foreign Patronage, unique in the vast dominions of the British Empire, is opposed to those legitimate sentiments of patriotism, never discouraged by the Holy See, which are common to British subjects throughout the world.

5. At the same time, we have no desire to minimise the advantages of the Concordat of 1886. We do not forget that as the Concordat of 1857 emancipated the Missions of China and the Far East almost entirely from the interference of Portugal, so by the Concordat of 1886 the Portuguese Government formally surrendered its claim of Patronage over Ceylon and some parts of India. We rejoice also at the Concordat, in so far as it left Your Holiness free to establish the new Indian Hierarchy, and because in some places it abolished that Double Jurisdiction which, in the Brief *Studio et vigilantia*, Your Holiness deplored as one of the two principal causes of the evils, which in recent times have afflicted the Missions in the East Indies. We do not minimise these advantages and the measure of liberty

which Your Holiness, in the course of a long and painful negotiation, has secured for a part of the Church in India; nevertheless, it is impossible for us to fail to recognise the evils inherent in the Portuguese Patronage, which are perpetuated in other parts, evils which are certain to arrest the progress of the Missions in this country, unless a timely remedy is applied by Apostolic authority.

6. As Catholic laymen, we desire to place before Your Holiness a brief exposition of those evils. Faithful to our traditions, so now and for the future, we submit without reserve to all the decisions of the Holy See; we do not presume to attempt to intrude upon those matters which belong to the sphere of ecclesiastical authority, but we have confidence that Your Holiness, assured of our sentiments, will graciously accept these humble representations. We have not forgotten the several occasions on which the Holy See has graciously accepted and granted the petitions of the Catholic laity in India and Ceylon, at times, when owing to the negligence of the Portuguese Government, the state of the Church in India seemed almost desperate, and we may even venture to say that the petitions of the laity of Calcutta and of Madras were the salvation of the Church, then rapidly expiring in those two cities, and the immediate cause of the erection of the Vicariates Apostolic of Madras and of Bengal in 1834 and 1835. The history of the Church in India thus pleads in our favour, when we venture, as on the present occasion, to address Your Holiness.

7. There are numerous political and civil objections to the exercise of the Portuguese Patronage in British India. These we have thought good to detail in a Memorial addressed to the Government of Her Britannic Majesty, a copy of which we attach to this our humble address. In memorialising the Government of Her Majesty regarding her own subjects in her own territory, we make no appeal against the decisions of Your Holiness, but have intended solely to enlist the aid of that Government, in securing to the Church in India that same liberty for which the Holy See has ever contended, that same liberty which the Church enjoys elsewhere in the British Dominions. The religious objections to this same Patronage are known to Your Holiness, and we deplore with Your Holiness that the great boon conferred on us by the establishment of the Hierarchy has been marred by the continuance of a privilege which has been and continues to be the chief obstacle to the development of the Church in India. We deplore with Your Holiness the sacrifices which have had to be made in India for the sake of peace in Portugal: we deplore the necessity which compelled Your Holiness to select the lesser of two evils by yielding to the threatening demands of the Portuguese Government.

8. Most Holy Father, why is it that all the Missionary Bishops and priests, past and present and of every nationality, who have been selected and sent to

India by the Holy See, have prayed for the extermination of the Portuguese Patronage? They enjoy the confidence of the Holy See, and are fully acquainted with the circumstances and needs of the Indian Church. They who have abandoned their own countries and all that is dear to them to do the bidding of the Supreme Pontiff are not moved by any political considerations or patriotic sentiments. Why is it that among the Catholic laity all the best, all the intelligent, all the well-informed are one with their Pastors in desiring the abolition of the Portuguese Patronage? The reason is plain : they know this Patronage to be the cause of all the evils which have afflicted the Indian Church in the past, the cause of all its present embarrassments and a harbinger of future disasters.

9. We are not ungrateful to Portugal for the services it rendered in the East in ancient times. We are not unmindful of the national susceptibilities of the Portuguese nation, to which, at the bidding of Your Holiness, we sacrifice our own. But can we forget that in modern times the Portuguese Patronage has been the prolific source of schisms ; and what to people in India are the newly constituted Dioceses of Mylapore, of Cochin and of Damaun, but monuments of a successful resistance to the mandates of the Holy See? What have we seen in our own times? We have seen the provisions of the Apostolic Letter *Multa praeclare* and the oft-repeated behests of the Holy See resisted by the faction which upholds the Patronage of Portugal. We have seen the Missions of India desolated by a lamentable schism for over twenty-five years; we have seen in the years 1844 and 1853 Portuguese Bishops arrive in India, and trampling under foot the obligations of their sacred office, promote to holy orders hundreds of illiterate unworthy persons for the purpose of maintaining and extending that schism. We have seen in 1863 the schism externally healed by the legalisation (intended to be temporary) of "a usurped jurisdiction" (as it was stigmatised by the illustrious predecessor of Your Holiness) and by the introduction of a Double Jurisdiction, which in some parts has paralysed all missionary work and proved even worse than schism. The existence of two separate ecclesiastical jurisdictions in one and the same district, town or village might have proved tolerable, if the authorities of both had been animated by the same devotion to the Holy See, but the schismatic spirit seems so inherent in the Portuguese "Padroado", that the Double Jurisdiction, which has always been incomprehensible to Indian Catholics, to Protestants and to Pagans, has only been regarded as a justification of the schism which it was intended to heal, and has ever since the publication of the Concordat of 1857 been used to provoke innumerable local schisms and rebellions. There is no guarantee that this unhappy state of affairs will cease, for the authorities of the Patronage are untiring in their efforts to extend the Double Jurisdiction which Your Holiness has laboured to abolish, and to give distorted and illogical interpretations to the Decrees by which Your Holiness

intended to mitigate its evils. In every part of India, of Indo-China and of Ceylon, where the Portuguese Patronage has had a footing, there have been troubles, which have only ceased by its absolute extinction in particular localities. There is every reason to fear that it will be true to its past history, and the spirit, which at this moment animates its more advanced defenders, augurs ill for the future prospects of the Church in India.

10. It is a notable and suggestive fact that wherever in later times the Clergy of Goa have had Christians under their care, there have been revolts against ecclesiastical authority, the forerunner of greater revolts against the supreme authority of the Head of the Church. Everywhere, within the ancient limits of the Sees of Goa, of Cochin, of Mylapore, of Cranganore and of Malacca, the sad history has been the same. We will not weary Your Holiness by attempting to recount the innumerable disorders which occurred within the several Vicariates Apostolic, which were erected by the Holy See within the old limits of the Dioceses to which we have referred, in India, in Ceylon, in Burma and in the Malayan Peninsula. Revolts and schisms have occurred in every region, where the Clergy of the Patronage have exercised their ministry, and though they have generally subsided, the seeds of disorder remain, ready to germinate at any moment, so long as the Patronage continues. Some of the churches remaining to the Portuguese jurisdiction are, as it were, monuments of those schisms which have been the scandal of Pagans and heretics, and have retarded the development of the Catholic Church in the East Indies. We wish to recall to mind, as typical instances of the fruits of the Patronage, the schisms which have occurred on the Western coast of India. The prolonged schism of the churches of the Patronage in Malabar (both Latin and Syrian), which followed the publication of the Apostolic Letter *Multa praeclare* in 1838, had hardly been healed, when the priests of the Syrian rite, who had been permitted to remain under the Extraordinary Jurisdiction of Goa, invited to India the Chaldean Bishop Roccos, commonly known as Mar Thomas, who, invading Malabar in 1861, contrary to the express orders of the Holy See, drew away a large number of the Syrian churches into a new schism. This new schism was short-lived, but the wounds inflicted by it had hardly healed, when the same priests of the jurisdiction of the Patronage took steps to obtain another schismatic Bishop from Bagdad: the arrival in 1874 of Mgr. John Elias Mellus, formerly Bishop of Acra, was the outcome of these efforts, and priests and people in a body again fell into a third schism, the evil effects of which still exist in the Vicariate Apostolic of Trichur even after the reputed conversion of Mgr. Mellus himself. We are grieved to recall to memory these miserable events, but they serve as proofs among many others in the history of the

East Indies, that the Portuguese Patronage is a venomous parasite, which feeds upon and kills the life-giving sap of the Catholic Church.

11. The evils of the Portuguese Patronage and the scandals (civil and religious) of the Double Jurisdiction had become so acute, more especially in the ancient mission of Madura (now the Diocese of Trichinopoly), that on the 15th August 1883 the Bishops of the South of India united in a joint Memorial addressed to the Government of Her Britannic Majesty, whose aid they invoked for the abolition of both Patronage and Double Jurisdiction. In the following year, on the 26th August, Your Holiness to our great joy issued the Brief *Studio et vigilantia*, by which the Patronage and the Double Jurisdiction were abolished within the limits of the Vicariates Apostolic of Hyderabad, Pondicherry, Calcutta, the Malayan Peninsula, Eastern Bengal, Colombo and Jaffna, and we were informed that both would be abolished in all other parts of British territory in 1885. Consoled by the thought that the time of our deliverance was at hand, and that brighter days were dawning for the Indian Church, remembering also the numerous Memorials which had been sent to the Holy See by the Catholics of the various Vicariates, we together with our Bishops and Missionaries awaited with confidence the execution of the orders of Your Holiness. But to our sorrow the Brief remained a dead letter, and in the year 1886 we heard with some amazement that a Concordat had been arranged, by which the Portuguese "Padroado" had been established on a more solid basis than before, and that the Double Jurisdiction had been perpetuated in the very Missions, namely those of Bombay and of Madura, where it has ever caused more harm than elsewhere. Though always ready to sacrifice our wishes and interests, our sentiments, both national and patriotic, at the bidding of the Holy See, we were grieved at the unexpected course which events had taken, and our hearts were filled with sympathy for the Bishops and Missionaries who had suffered so much, and now were only rewarded by a perpetual crown of thorns.

12. We learnt with grief and astonishment that in addition to the permanent and solid establishment of the Patronage and Double Jurisdiction, which we had hoped to see abolished, not merely were many of those, who had persistently opposed the wishes of the Holy See, to be gratified by exemptions and concessions, but large bodies of Catholics who had been ever faithful and obedient, were to be deprived of the devoted Missionaries of the Propaganda and placed under the obnoxious rule of the "Padroado," which has very few clergy at its disposal except the priests of Goa. Such was the effect of the Concordat in the Dioceses of Verapoly, Madras and Trichinopoly. Not only were three Portuguese Sees revived or erected in British territory, but the King of Portugal was given a right (though limited) of Patronage over four other Dioceses at the expense of the faithful of the French, Italian, German and other

nations, who by their alms and their missionaries maintain them. We noticed also that the Double Jurisdiction was only abolished in those few localities, where owing to particular circumstances it has been least dangerous, and that thousands of neglected Christians (as for instance in Salsette near Bombay), who for many years have been praying to be delivered from the incubus of the Portuguese Patronage, were definitely surrendered to it. These were the principal points which struck us with pain and amazement, but, conscious of the difficulties of the Holy See, we remained silent and prayed for better days. We regret, however, to have to mention that there is no doubt that in the case of many of the uneducated Catholics of India, who are unable to comprehend the necessity of concessions to Portugal, the Concordat was a rude blow to the authority of the Holy See.

13. Your Holiness is aware how the news of the Concordat was received in India. On the one hand the obedient servants of the Holy See, the almost entire body of Catholics in the East Indies, remained silent and submissive, though grieved and disappointed. On the other hand, a wretched faction, led by a few agitators, subjects of the King of Portugal, though temporarily resident in British India, immediately began to assail the Holy See with the grossest insults, to stir up a spirit of schism, and, regardless of the enormous concessions which had been made to Portugal, to clamour for more. In the Portuguese Government this faction found a potent ally, and the Concordat had to be revised in consequence. The Diocese of Poona, as first marked out, was deprived of two-thirds of its Catholic population and the deplorable Double Jusrisdiction was re-established in the City of Poona itself. In Madras, where the original Concordat had actually been executed by the Delegate of Your Holiness on the 19th January 1887, the work was undone two months later under circumstances humiliating to the authority of that most devoted servant of Your Holiness, the Most Reverend Joseph Colgan, Archbishop of Madras, himself a British subject, although the persons formerly subject to the Portuguese jurisdiction had gladly submitted to him.

14. Amid the disputes and disorders caused by the Double Jurisdiction, we were somewhat consoled by the publication of the Decisions given by Your Holiness on the 13th September 1887 and on the 25th September 1888, which were intended to mitigate its evils. Although the wishes and intentions of Your Holiness were perfectly well known, the orders of Your Holiness were ignored by the authorities of the Portuguese Patronage, and the Decisions themselves were the occasion of new insults being cast upon the Holy See by the band of agitators at Bombay, who again appealed to the Portuguese Government. The Decisions were, however, joyfully published by the Bishops depending on the Sacred Congregation of the Propaganda, and we were informed (through the Delegate of Your Holiness) that they were definitive and not to be

modified. We were again consoled by the publication early in 1889 of a letter written on the 21st December 1888 by H. E. the Cardinal Rampolla, Secretary of State, to H. E. the Delegate Apostolic, in which the agitation of the Goanese faction at Bombay was condemned, and its resistance to the Decisions above mentioned was stigmatised as " insane." Meanwhile the authorities of the Patronage continued to ignore the said Decisions and were understood to have appealed, not to Your Holiness, but to the Portuguese Government, and finally on the 18th April in this year a Decree was issued by the Delegate Apostolic in the name of Your Holiness, by which the former Decisions were modified in accordance with the wishes of the Goanese faction, and the exercise of the Double Jurisdiction was made dependent on impossible and ever-changing catalogues of names which can never be compiled or kept correct, and must in themselves be the cause of new disputes and doubts, and also upon imaginary " Groups " of Christians, which cannot be defined.

15. Most Holy Father, in the East Indies there are vast numbers of well-disposed Catholics, who from want of sufficient knowledge are unable to appreciate the peculiar difficulties of the Holy See. They look at things from their local stand-point, and they cannot understand why it is that the Supreme Pontiff is under the necessity of consulting the interests of Portugal in regulating the affairs of the Church in British territory. In the case of such persons the Concordat and the Double Jurisdiction both serve to weaken the authority of the Holy See, while the varying decisions and orders, which are published from time to time, seem to them almost contradictory and weaken the authority of the Bishops and Missionaries who have to publish them. It is a sad thing that laymen should be continually discussing among themselves the meaning and scope of the mandates of the Holy See. It is still worse, when such mandates have one meaning for the Bishops of the Propaganda, another for the Bishops of the Patronage, and when in consequence of these differences, the laity have to interpret the decisions of the Holy See for themselves. It is a deplorable fact that each new decree or decision gives rise, even in one and the same family, to new discussions and differences, which can never cease till the Portuguese Patronage is wholly abolished. There is no other country in the world where a layman is left in doubt as to the Bishop or priest, who is his lawful ecclesiastical superior: there is no other country, where Bishops and priests are continually obliged to dispute, not only among themselves, but also with the laity, who are the subject of the dispute, as to the jurisdiction, to which the latter belong. While these things scandalise and bewilder the Faithful, they are quite incomprehensible to the non-Catholics, who surround them ; and to Pagans and Protestants the Church appears to be made up of contending sects. It is deplorable that

every fresh concession to Portugal stimulates the Goanese faction to new resistance and agitation. Finally the Portuguese Bishops themselves cannot but cease to command the respect and obedience even of their own subjects, clergy and laity, who see them compelled by their position to look rather to Lisbon than to Rome, and placed in a sort of antagonism towards all that does not belong to the Patronage.

16. It is the effect of the most recent concessions to Portugal that has chiefly induced us to address Your Holiness. Judging from the spirit in which these concessions have been received, and the attitude assumed by the authorities of the Patronage, we conclude once more that the spirit of resistance to the Holy See is so inherent in the supporters of that institution, that there can never be any permanent peace in India till the Patronage is swept away. The Church in this country instead of shewing herself to the world as a body united in herself and in submission to the Holy See, presents a spectacle of contending sects, and on this account effective controversy becomes impossible with non-Catholics, who are repelled from the Faith by our own divisions. It is only the sight of the devotion and charity of the Missionaries of the Propaganda that saves the Church in the sight of non-Catholics.

17. But while we speak of the deplorable effect of these divisions upon Catholics and non-Catholics, we must not omit to observe that in themselves they have no vitality except what they receive from the interference of the Portuguese Government. It is certain that were the Patronage abolished, and that Government were to cease to interfere in British India, within a very few years all divisions would cease, and the Church would take its natural development under the benign rule of Her Britannic Majesty. It is the prolonged state of uncertainty, the constant changes and the opportunities now afforded of appealing to Portugal against the Holy See, that keep alive differences and paralyse the action of the Church. Speaking generally, we may say that there is really no serious party in India in favour of the Portuguese Patronage: it has practically no supporters now who would not, but for the present interference of Portugal, very soon settle down contentedly to the jurisdiction commonly known as that of the Propaganda. It is true that there have been certain noisy discussions in the press, which might lead persons at a distance to suppose that the supporters of the Patronage were a numerous and influential body, but such discussions mean nothing, and on the side of the Patronage they are manufactured by a small knot of interested persons, principally for the sake of influencing public opinion in Portugal. In India itself the defenders of the Patronage have a very small audience. Speaking for the Madras Presidency, and for the Dioceses of Madras and of Trichinopoly in parti-

cular, we may say that in effect none of the faithful, even those now under Portuguese jurisdiction, have any real sentiments of affection for the Patronage or seriously desire its maintenance. From mere habit or from ignorance, a certain number of persons, who have become accustomed to it, speak of it with favour or consideration, others are simply indifferent, but nowhere is it possible to find any number of Catholics who seriously and on principle desire its continuance. Many persons have an affection for some particular church with which they are connected by family or other ties, but affection for the "Patronage" as such is almost non-existent. Thus we can truly state to Your Holiness that, if the matter is to be considered from a purely local point of view, the maintenance of the Patronage in India is simply gratuitous. We are moved to speak thus clearly, because advantage has frequently been taken of their silence and general submission to the Holy See, to represent the people of India as devoted to the cause of the Patronage, and the marks of respect which the Faithful have paid (as was their duty) to the Portuguese Bishops have been taken by the Portuguese Government as proofs of an affection which does not exist.

18. In the fourth paragraph of this address, we have made some allusion to the class of persons who have constituted themselves the defenders of the Patronage. In Bombay (always the focus of Goanese agitation) and in the Bombay Presidency generally, they consist of a small band of Portuguese subjects, immigrants from Goa, men of tainted principles, who appealing, as H. E. the Cardinal Rampolla truly said, to the passions of the "corrupt and ignorant" manufacture fictitious demonstrations against the Sacred Congregation of the Propaganda. To these may be added, scattered over India, a few persons who have a material interest in church properties, which they abuse to their own advantage, and a very small number of persons, who, while professing the Catholic faith, maintain the Patronage on Josephistic principles, because they regard it as a check upon the liberty of the Supreme Pontiff. There is also a small body of persons who in their particular churches, through the laxity of discipline existing under the clergy of Goa, have assumed a right of interference and control which would be intolerable in any other country. And here we must not omit to mention that Protestant ministers, guided by the instinct of heresy, are often advocates of the maintenance of the Patronage. They know it paralyses the action of the Church: they know that its subjects fall an easy prey to the seductions of error, as has been the case in various parts of the South of India. Such, Most Holy Father, are the defenders of the Patronage, and many of the Catholics of India, who are unable to appreciate the difficulties which encompass the Holy See, are sometimes tempted to exclaim:—"Why are so many favours showered upon a Foreign King, while the representations of our Bishops and

ourselves remain without effect? Why are so many concessions to be granted, at the instance of the assailants of the Holy See, while we, who ask for none, are treated as if we had no interest in our own country?" Although we know how earnestly the Holy See has striven in favour of the East Indies, still we must not disguise from Your Holiness that such are the murmurs of those who are not well informed; and while some are disheartened, a few are tempted to question the authority of the Holy See, and others are inclined to believe that the Bishops of the Propaganda have lost the confidence of the Supreme Pontiff. It is also a well-known fact that the schismatics of Malabar are unable to comprehend the changes made by the Holy See in Decisions, which it has declared definitive. They regard such changes as new arguments against the infallibility of the Holy See, and a new obstacle is opposed to their conversion, when the supreme authority of Rome appears to contradict itself.

19. We would have hailed the Concordat with some satisfaction, if there had been any reason to believe that it would put a stop to the grave evils which were pointed out to the Portuguese Government by H. E. Cardinal Jacobini on the 10th April 1884, but we are grieved to have to say that the action, which has been taken by the Portuguese Government since the Concordat, leads us to believe that those evils will continue. The Holy See has frequently pointed out to the Portuguese Government that for the prosperity and progress of the Church a zealous, virtuous and learned Clergy, filled with apostolic zeal, is absolutely necessary. Such a Clergy we possess in the Missionaries of the Propaganda and in the indigenous priests formed by them. We have no desire to disparage the Clergy of the Patronage, for whose deficiencies the Portuguese Government is entirely to blame, but no one will maintain that they are capable of doing the work of those Missionaries and priests who serve under the jurisdiction of the Propaganda. A real vocation to the priesthood is a rare thing in the East Indies, and H. E. the Cardinal Jacobini on the 10th April 1884, in his letter above mentioned, alluded to the absence of Divine vocation among many of the Goanese priests, and detailed the sad consequences of the facility with which candidates have been admitted to Holy Orders by the authorities of the Patronage. Nevertheless in spite of what we cannot but regard as the gravest objection to that institution, the mere numerical strength of the Goanese clergy has constantly been paraded by the Portuguese Government as a proof of its ability to satisfy the requirements of the Dioceses of the Patronage, as may be seen from the various documents it addressed to the Holy See during the negotiations which preceded the Concordat. Not long before his death, the late Archbishop of Goa, in a letter written on the 1st September 1879, deplored the deficiencies of his Clergy, and the impossibility in which he

found himself of testing the vocation of aspirants to Holy Orders. And indeed how is it possible for the seminarists to be formed to the sacerdotal virtues, if, as the Archbishop mentioned in speaking of his own Seminary at Goa, they live in scattered lodgings often several miles distant from the Seminary itself? And if we look to the other Dioceses of the Patronage, what hope is there of suitable candidates being found in any number, when, as the Archbishop stated in the same letter, "only the lowest and most ignorant classes" remained to the Patronage? And supposing even that true vocations are found, where are the Clergy of the Patronage who are capable of educating and forming the candidates? If the Bishops of the Propaganda, in spite of all their zeal to increase the number of the indigenous Clergy, find very few vocations, what hope is there for the Bishops of the Patronage? The necessity for a large number of Missionaries from Europe is therefore as urgent in the Dioceses of the Patronage as it is in the Dioceses of the Propaganda, but the Portuguese Government has such an imperfect idea of the obligations it has assumed, that it has sent to India only ten or twelve Missionaries from Portugal to provide for the needs of the seminaries, colleges, schools, orphanages and other institutions, which it has promised to found, to minister to the Faithful, among whom a knowledge of six or seven languages is required, and finally to evangelise the heathen. We did not anticipate that it would do even as much as this, seeing that the one Missionary College which it possesses in Portugal is not able to supply the needs of the Portuguese possessions in Africa, and that the Religious Orders continue suppressed, but it is this very deficiency of a competent clergy and the impossibility of its being supplied by the Patronage that make us fear, that, except perhaps in the large towns, the Goanese Missions, as they are called, will continue in their present neglected state of disorder or abandonment. Already in the case of Christians, who were transferred from the jurisdiction of the Archbishop of Madras to that of the Patronage on the execution of the Concordat, there have been complaints. Most Holy Father, this is one meaning of the Concordat: it means that many Catholics in India are to be handed over to the care of an insufficient and incompetent clergy; it means that in several parts of India the progress of the Church is to be arrested; it means that the ministers of heresy are to have a new opportunity for seducing the poor and abandoned from the Faith. When we see that even now some villages are deprived of the sacraments owing to Goanese neglect, and that many have fallen into Protestantism, while the Missionaries, who have the power to help them, are not allowed to do so, we feel some bitterness against the Portuguese Government. We have not forgotten the events which occurred during the famine which raged in Southern India in 1876-7, when many poor Catholics subject to the negligent rule of the Patronage were seduced into Protestantism, while the Missionaries of the Propaganda were debarred by the Double Jurisdiction from rescuing these abandoned souls,

although at the same time and in the same places numerous conversions were being made by those Missionaries among the heathen. And yet with such facts before them the Bishops of the Patronage will never willingly surrender one particle of their useless jurisdiction, but rather urge upon their Government to press the Holy See to extend it, although it has been the constant desire of the Supreme Pontiffs to limit and reduce it. And it is a painful fact that while the clergy of the Patronage cannot attend to the needs of the Christians of their own jurisdiction, some of them should even now be stirring up revolts among the Christians subject to the Propaganda, as is reported to be the case in the Diocese of Trichinopoly, and also at Bandora near Bombay. From time to time there have been troubles among the Christians subject to the Propaganda, but all may be traced to the seeds of disorder, which have been sown in India by the Patronage.

20. The Concordat so far, we regret to say, has brought very little peace with it, and the reason of this is that the Portuguese Government and its defenders are not animated by the same sentiments as Your Holiness. Your Holiness was grieved to hear of the petty schisms, which followed the execution of the Concordat in Ceylon, and in the Diocese of Mangalore, when certain Christians, formerly under the Extraordinary Jurisdiction of Goa, were placed under the jurisdiction of the Bishops of the Propaganda. These schisms, which happily are not likely to last long, are due to the spirit of disobedience inherent in the Patronage, and in the beginning they were encouraged by its defenders at Bombay. How different was the spirit everywhere shewn by those Catholics, who, under the terms of the Concordat, were transferred to the Patronage: they all at once obeyed the orders of the Holy See, though the change was a sore trial to them. The Christians of Tanjore, Mannargudi and Negapatam, who also, as soon as the Concordat is put into execution in those parts, will be transferred to the Diocese of Mylapore, are animated by the same sentiments of obedience, but they are in grief at the prospect of losing their Missionaries, and falling under the negligent rule of the Patronage.

21. Most Holy Father, before concluding this humble address, we may be pardoned if we dwell a little more fully on two capital points, namely, the evils of the Double Jurisdiction and the present state of doubt and uncertainty in everything connected with it. Nothing can be settled promptly on the spot, either amicably between the Bishops themselves or by the decisions of the Delegate of Your Holiness, but everything has to be referred to Lisbon. It is with the greatest reluctance that we complain, but we, who are here in India, cannot ignore the evils arising from the Double Jurisdiction. These were sufficiently intolerable before the Concordat of 1886, as shewn for instance in the letter of H. E. the Cardinal Secretary of State, which we have mentioned above, and in the Brief *Studio et vigilantia* which Your Holiness issued on the 26th August 1884. But the concessions recently made to the Portuguese Government and embodied

in the Decree of the Delegate of Your Holiness, dated the 18th April 1890, have rendered the exercise of the sacred ministry well-nigh impossible. We confine ourselves to the state of affairs now inaugurated in the City of Madras, where within the Archdiocese of Madras are five exempted churches belonging to the Patronage, the five, which are specified in the Brief *Post initam* (7th June 1887). By a Decree dated the 20th March 1887, H. E. Monsignor Agliardi ruled that only such persons as then actually belonged to those churches were to be the subjects of the Patronage, and this ruling was reiterated in the Decisions given at Rome on the 13th September 1887 and 25th September 1888, with the exception that the number might be increased by conversions and by subjects of the Patronage from other places who went to reside within the actual enclosures or "compounds" of the exempted churches. Now all is thrown into confusion by the Decree of the 18th April 1890, by the exemption being extended to persons coming into the Diocese of Madras from the Diocese of Mylapore, and by other concessions. Thus, for instance, if a Regiment of British troops is moved from St. Thomas' Mount within the Diocese of Mylapore into Fort St. George within the Diocese of Madras, the Catholic soldiers are claimed by the Patronage, although there is no exempted church near the Fort and no priest of the Patronage to minister to their wants, and though other British soldiers *in the same barracks* are subject to another jurisdiction. It is needless to point out to Your Holiness how unfavorably such a scandalous state of affairs (unknown previous to the Concordat) is likely to impress the military authorities. Let us, for the sake of example, suppose that jurisdiction were given to the Cardinal Archbishop of Frascati over all persons, who leaving his Diocese established their domicile in the City of Rome. How could in such case the Parish Priests of Rome distinguish the *Frascati* Catholics from the *Roman* Catholics? This is the position of the priests of the Propaganda in Madras, and the result is that very often sacraments are illegally and sometimes invalidly administered for want of jurisdiction. But this comparison is a very imperfect one, and to make it more complete we must assume that the Frascati Catholics are retained under their former jurisdiction against their will. The difficulties are increased by circumstances peculiar to India, such as the absence of family names in the case of Indian Catholics and the use of the same baptismal name by hundreds of persons. How, for instance, is it possible to distinguish between the hundreds of persons who bear the name of Antony or ever to prepare and maintain correct catalogues of names? Is it just to torment sick and dying Catholics with questions of jurisdiction?

22. These are a few of the simple practical difficulties of the Double Jurisdiction, inevitable even when the authorities of both are animated by mutual goodwill and the same intentions, but owing to the peculiar sentiments which govern the authorities of the Patronage and the objectionable temperament of

many of the Goanese Priests, there will remain the still more serious dangers which are detailed in the letter of H. E. Cardinal Jacobini. But as heretofore all the laborious and painful part of the ministry will necessarily fall to the share of the priests of the Propaganda, and claims of jurisdiction will be made by the Patronage chiefly, as heretofore, at marriages and burials, when there is a question of some pecuniary advantage.

23. We have alluded to the fact that in India generally and in the Madras Presidency in particular, the defenders and supporters of the Patronage are very few in number, and seldom actuated by worthy motives, and that the vast majority of those who are actually subject to its jurisdiction would rejoice at its abolition. Thus it happens that all these concessions and exemptions, which are made nominally in favour of the subjects of the Patronage, are in reality not in their favour at all: they are not desired by the subjects of the Patronage, and are very often detestable to these very persons who long to escape from their bondage, but the Royal Patron, like a new Pharoah, will not let them go, and even follows them and imposes his fetters, when they depart for the Dioceses of the Propaganda. There are many instances of these unhappy persons now in the Archdiocese of Madras, and the last concessions have made the Patronage more odious than ever. And in this and in other instances a painful impression is created in the minds of British Catholics, for it seems to them that matters are arranged as if they, the persons really interested, were quite unworthy of consideration, a quantity to be neglected. There is a constant interchange of Catholics between the Archdiocese of Madras and the Diocese of Mylapore, between which the great City of Madras is divided, but while absolutely no concession of any kind is made, under any circumstances, in favour of the Archdiocese, its subjects not only fall under the Patronage when they remove into the Diocese of Mylapore, but, when they again remove into the Diocese of Madras, they must against their wishes remain under the jurisdiction of the Patronage, and not merely lose all the advantages of the enlightened and beneficent jurisdiction of the Propaganda, to which they were proud to belong, but actually be *separated in jurisdiction from their nearest relations and friends, who are dwelling in the same house or street or locality.* If the recent Decisions are to be interpreted as at present, the Archdiocese of Madras will be gradually stripped of the Catholic population it possesses in the Cathedral City, and this will happen in spite of the earnest wishes of the people affected, and with grave detriment to religion. It is painful to contemplate the endless series of disputes and disorders which the Church in Madras is destined to see as long as the Decree of 18th April, 1890, remains in force, and to know that the Concordat, which was intended to bring peace, has, as now applied, actually created new difficulties of a character worse than before, in that they promise to be permanent. We speak of Madras only, for

it is under our eyes: we say nothing here of Bombay, of Poona, and of the Diocese of Trichinopoly, where the disorder and confusion are such that our troubles in the City of Madras seem comparatively trifling.

24. Already in this City of Madras the recent concessions made to the Patronage, and especially the Decree of the 18th April, 1890, and the confusion, uncertainty, and constant changes in connexion with the Double Jurisdiction, have begun to produce results very detrimental to religion, and many good Catholics, who desire the peace and prosperity of the Church, are thrown into a sort of despair. Missionary work is paralysed here as at Bombay, and even non-Catholics are scandalised. The development of works of education and religion is arrested, and disheartened Catholics are already refusing to contribute towards works of piety and towards charitable institutions, for the future seems so uncertain, that they fear their alms may hereafter fall under the control of the Patronage. The longstanding troubles at St. Peter's Church at Royapuram in Madras, which are due solely to the Double Jurisdiction, have received a new impetus. In the Diocese of Trichinopoly there have been new troubles caused by the Goanese Priests still subject to the Extraordinary Jurisdiction of Goa, just as at Bandora near Bombay revolts have been provoked against the jurisdiction of the Propaganda. There are numbers of good but not well-informed Catholics, who simply decline to believe that under the present order of things, they are the subjects of the Patronage, and the Priests of the Propaganda are placed in a very painful position, when they have to refuse their ministry to such persons or have doubts about their jurisdiction.

25. This is a suitable place for very earnestly representing to Your Holiness that the existence of the Patronage not merely is likely to prejudice British Catholics in the eyes of their own Government, but also to prejudice that Government against all Catholic Bishops and Missionaries, who are not British subjects. The objection on the part of the British Government to the employment as Chaplains to British Troops of the priests of the Patronage is well known. The matter was seriously discussed by the British authorities after the publication of the Concordat of 1857, and again quite recently in consequence of the Concordat of 1886, and it seems probable that the difficulty, in which the Government of Her Majesty is placed by the claim of the Bishops of the Patronage to appoint Chaplains, may be solved by the Government declining to recognise or pay any Chaplains

who are not British subjects. As at present but few of the Chaplains in India are British subjects, and as Catholics in India are and must be dependent upon the services of the Missionaries of Foreign nations, it will be a grave disaster if the Government carries into effect the measure which it has more than once contemplated. Were it not for the existence of the Portuguese Patronage in certain parts, the British Government would probably have no thought of depriving the Missionaries of the French, German, Belgian, Italian and other nations of the Chaplaincies which they now hold to the perfect satisfaction of the Civil and Military authorities and of the Catholics of India.

26. Such, Most Holy Father, is a brief exposition of some of the evils which flow from the Patronage and the difficulties and dangers which beset us in India. Others we have developed in our memorial to the Government of Her Britannic Majesty. In the eyes of Catholics, Protestants and Pagans, the Holy See and the Episcopal office are degraded by the Patronage of Portugal. We have represented to our Government the outrage committed upon British subjects by the application of the Royal Placet of Portugal to documents emanating from the Holy See, and we have demonstrated the injurious effect produced by the Patronage upon Missionary enterprise, Catholic education, and institutes of charity. It only remains for us to add that, among other ill-effects, some of the English Catholics occupying positions of influence in India are somewhat estranged from the Church of the country in which they pass the best part of their lives, and this solely because the Church, which ought to be united, is divided and degraded by Portugal, and thus it happens that the Missions do not always receive that effective aid and sympathy which those persons would otherwise be in a position to afford. Another ill-effect is the injury done to these same Missions, which, being prejudiced and hampered in their progress by the Patronage, do not receive the alms which the Faithful in Europe are more inclined to afford to Missions, which are entirely free from Portuguese interference.

27. In concluding this humble Address, the Madras Catholic Union repeats its sentiments of obedience and devotion to the Holy See; and praying for the day when the Portuguese Patronage may be abolished, and the Catholics

of India may be able to say, "*Laqueus contritus est, et nos liberati sumus,*" and finally imploring the blessing of Your Holiness.

We remain,

Most Holy Father,

The most devoted and obedient children

of Your Holiness in our Lord Jesus Christ,

Andrew J. Ambrose

Joint Honorary Secretaries

W. R. Philipps

Madras, 16th December, 1890.

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APPENDICES.

Reprint of some of the Documents referred to in the above Address.

APPENDIX I.

Translation of the Apostolic Letter, "Latissimi terrarum tractus," constituting the Vicariate Apostolic of Bengal (18th April, 1834).

To Our beloved Son, Robert St. Leger, of the Society of Jesus, Presbyter.

GREGORY P. P. XVI.

Beloved Son, Health and the Apostolical Benediction. The very widely spread tracts of territory in the Eastern world, subject to the British Empire, and to the powerful and magnificent East India Company, often excited Our earnest solicitude, even so far back as the period in which We presided over our Venerable Brethren, the Cardinals of the Holy Roman Church, deputed to transact the affairs of the Congregation *de Propaganda Fide*, and to compose the same Congregation. But when, by the Providence of God, We were afterwards elevated to the highest point of Apostolical power, it became a duty, by reason of the momentous importance of Our office, to turn Our thoughts with a greater sedulousness and attention to the means of spreading more widely in those countries the Catholic religion. As, however, among the three political Presidencies established there, that attached to Calcutta takes the first place, inasmuch as it is the residence of the Supreme Governor, and comprehends within it so many great cities, and such a numerous and varied population, We were persuaded, that to this Presidency it ought to be Our special care to send well-suited and duly qualified heralds of the Gospel.

Whilst debating these matters in Our mind, **letters addressed by the Catholic and truly pious inhabitants of Calcutta arrived more than once in Rome, in which they implored Our aid and the favour of the above mentioned Congregation** *de Propaganda Fide*, and especially and by name entreated, that We should send to Calcutta Priests of the Society of Jesus, persons, they said, whose high reputation still lived among them. Willingly acquiescing in this wish of the Catholics, and desirous of executing to the utmost the duties imposed on Us by Our Apostolical office, with the advice of our Ven. Brethren the Cardinals of the Holy Roman Church, We commanded the Superior General of the Society of Jesus, to present to Us a certain number of his Religious, among whom, you, Beloved Son, eminent for your piety and learning, were offered to Us. Wherefore absolving you from any excommunication, suspension and interdict, and from other ecclesiastical censures, sentences and penalties, however incurred and for whatever cause inflicted, if you have ever incurred any, and absolving you, as a qualification for this grace only, and considering you fully absolved, it is Our pleasure to decorate you with the appellation and office of Vicar Apostolic, conferrin on you for the more successful execution of this office (which We have decreed to be subject to the Apostolical See only) an ample sufficiency of Faculties, flowing from the plenitude of Our power, that you may uphold and extend more widely the Catholic religion in the populous city of Calcutta and the political Presidency annexed to it, those places excepted, which

Our Venerable Brother Anthony Pezzoni, Bishop of Esbona, Our Vicar Apostolic in the Mission of Thibet, has, by himself or by his missionaries of the Capuchin Order, for a long time administered, and likewise the places subject to Our Venerable Brother Frederick Cao, Bishop of Zama, Our Vicar Apostolic in the Kingdoms of Ava and Pegu, to which districts of the said Vicars it is Our will that you should not extend your care, unless with their consent.

Go forward, therefore, Beloved Son, confiding in the assistance of the Almighty, and holding before your eyes the bright example of your own Society, and emulating particularly the labours of St. Francis Xavier, commencing the harvest offered to you with your associates, to whom We, further to assist you, have added from Our Urban College *de Propaganda Fide*, two youths of good promise, and formed to the practice of virtue, whom We have commanded to submit in all spiritual matters to your authority.

Given at St. Peter's in Rome, under the ring of the Fisherman, the 18th day of April 1834, of Our Pontificate the fourth year.

For D. CARD. ALBANO,

A. PICCHIONI, SUBSTIT.

APPENDIX II.

Translation of the Apostolic Letter "Multa praeclare," abolishing the Portuguese Patronage outside Portuguese possessions (24th April, 1838).

GREGORY XVI. POPE.

For perpetual memory hereof.

The Roman Pontiffs, Our Predecessors, in accordance with the obligations of the Pastoral Office, have determined many things very expressly, that, in the most extensive regions of the East Indies, they might provide for the increase of the Catholic religion. For whereas, on account of the very great distance of those countries from the Apostolic See, on account of the length of journeys, and the difficulties of places, the cultivation of that extensive portion of the vineyard of the Lord would be very arduous, the Roman Pontiffs have earnestly demonstrated Their solicitude, to sanction by Their authority, and order to be accurately observed, whatever, according to the different changes of the times, might seem likely to be useful to religion among those nations.

We omit to make mention of the care, never neglected by the Apostolic See, that priests should be encouraged everywhere to perform the duties of the sacred ministry in those places. We say nothing of the singular favour and benignity exhibited by Our Predecessors, that, in order not to retard the progress of the Catholic religion in those places, They made almost innumerable concessions, by which They suffered those nations to be treated more gently, than the institutes of the canons, and of a more severe discipline required. We will only mention herein that indication of gratitude, which, in accordance with Their dignity, the Roman Pontiffs shewed to those, who, it apppeared, were useful to religion throughout those places.

The privilege of Patronage, granted by the Apostolic See to the Most Faithful Kings of Portugal, that the Bishops of some Dioceses in those regions might be elected upon their nomination, contains an evident proof of this matter. For, whereas the piety and munificence of those Princes had contributed much to the founding of some Bishoprics in those most extensive regions, Our Predecessors, desiring to reward their merits by a testimony of Their gratitude, have granted, that the Apostolic See would choose, as Bishops of those Dioceses, the persons, whom, being worthy, they had nominated. Moreover, by the concession of this privilege, the Apostolic See expected, that the vacancy of those Episcopal Sees would not be of long duration, that those places would have suitable Bishops more easily, and that due assistance would be at hand for the Bishops themselves, which would accord with their dignity. But it has come to pass, from the vicissitude of the times, that this, which was for a long time a benefit to religion in those countries, could not remain in that state, which the Decrees of Our Predecessors, published under circumstances entirely different, had commanded to be observed.

Often times, whilst as yet We presided over the Council for propagating the Christian Name, We felt it to be Our duty to weigh the importance of the reasons, which demonstrated, that those countries so widely extending, which constitute a very great part of the vast peninsula on this side of the Ganges, necessarily require, that the Apostolic See should succour

religion in danger therein, and should modify the form of ecclesiastical government in such manner, as would be consistent with the safety of religion. It was known to Us, that those regions are comprehended within the limits of the Dioceses of Cranganore, Cochin, and Mylapore or S. Thomé. It was also manifest to Us, that Our Predecessors had granted to the Most Faithful Kings of Portugal, Patronage with respect to those Dioceses, and the privilege of nominating the Bishops. For this is contained in the Apostolic Letters of Paul IV., of happy memory, of the 4th day of February in the year 1557, which begins *Pro excellenti,* by which He founded the Diocese of Cochin; likewise, in those of Clement VIII., of the 4th day of August 1600, beginning *In supremo,* and of Paul V., of the 6th day of February 1616, beginning *Alias postquam,* concerning the erection of the Archbishopric of Cranganore; and finally, in the Apostolic Decree of Paul V., of the 9th day of January 1606, by which the Bishopric of Mylapore or S. Thomé was established. We have not omitted, even from that time, to make every endeavour for promoting the welfare of religion, which the circumstances of the times allowed.

But since that We, though unworthy, have been raised to the chair of Peter, We have been excited much more frequently, and by records of the utmost importance, to aid religion labouring under very great difficulty in those nations. Weighing those things deliberately, and bearing in mind the obligations of Apostolic solicitude, We have been therefore induced, to constitute by Apostolic Letters of the 18th day of April 1835, beginning *Latissimi terrarum tractus,* a Vicar Apostolic depending upon the Apostolic See alone, who would have, subject to him, the populous city of Calcutta, and its political province. Whereas, however, some persons were found to resist the jurisdiction of the Vicar Apostolic instituted by Us, and to contend, that obedience ought not to be paid to Our Apostolic Letters, because in them, by an express mention, We had not repealed those things, which Paul V., on the 9th day of January 1606, had decreed, concerning the boundaries of the jurisdiction of the Bishop of Mylapore or S. Thomé, We, by another Apostolic Brief, of the 4th day of August 1835, the beginning of which is *Commissi Nobis,* have rejected all this pretext of dissension, and have declared many things, which would tend to establish more firmly the authority of the Vicar Apostolic of Bengal. For the same reason it was, that We determined, that another Vicar Apostolic should be instituted at Madras, by a Letter of the 25th day of April 1834, beginning *Ex debito Pastoralis.* This was also the reason why We published, on the 23rd day of December 1836, another Apostolic Brief, beginning *Ex munere Pastoralis,* by which We committed the most extensive Island of Ceylon, to be governed by a Vicar Apostolic instituted by Us. For this reason, finally, it was, that, desiring to provide for the necessities of religion among those people, who inhabit the part of the peninsula, which lies towards the East of the Ghaut Mountains, and extends from the River Cauvery unto Cape Comorin, We have committed the entire tract of country, which comprehends the kingdoms of Madura, Tanjore, Marava, and Mysore, through Our Congregation *de Propaganda Fide* on the 3rd day of June 1837, to the care and jurisdiction of Our Venerable Brother Clement, Bishop of Drusipare, Vicar Apostolic on the Coromandel Coast, in a provisional way, and until it may have been otherwise decreed by the Holy See.

We understand by these things, which have been hitherto decreed by Us concerning

this country of the Indies, that the advantage of religion in a very large part of India has been provided for. But, besides those places, which have been given to be governed by Vicars Apostolic, several countries yet remain, for the spiritual good of which We are bound to provide, and which are situated within the boundaries of the Dioceses of Cranganore, Cochin, and Mylapore or S. Thomé. We know that Ecclesiastical Discipline, the morals of the people, the Catholic faith in those countries, which so long have wanted a Pastor, have suffered great injury, and We are well aware, that many use the pretext of defending and preserving the rights of those Dioceses, that they may resist the Vicars Apostolic, whom the Apostolic See has constituted, oppose their authority, and endeavour to excite a pernicious schism. We sensibly feel, that We, by reason of the office, which God has committed to Us in the succession of Peter, are wholly obliged, to have a care of the Church, even in every scattered portion of the world, and to decree all things whatsoever We see would contribute to the support of religion everywhere.

Therefore, having taken advice on so important an affair with Our Venerable Brethren, the Cardinals of the Holy Roman Church, placed over the affairs of the propagation of the Faith, the opinion of the same being approved, and a mature consideration of the entire business having been instituted by Us, in the plenitude of Apostolic power, We judge it fit to decree as follows:—

Namely, in a provisional way, and as long as the Apostolic See shall have come to no other new determination, We decree, that all those countries, which are contained within the limits of the Diocese of Mylapore or S. Thomé and which have been, up to this time, committed to no Vicar Apostolic, are to be united to the Apostolic Vicariate of Madras, and that all jurisdiction and authority, ecclesiastical and spiritual, over those countries, belong to Our Venerable Brother Daniel, Bishop of Salditan, and Vicar Apostolic of Madras, and to his successors. But with respect to the countries, which are contained within the limits of the Dioceses of Cranganore and Cochin, and which, up to this time, have been delivered to no Vicar Apostolic, in the same way We order that they be united to the Apostolic Vicariate instituted in the country of Malabar, the seat of which is in the town of Verapoly; and that all jurisdiction and authority, ecclesiastical and spiritual, over those countries, belong to Our Venerable Brother Francis Xavier, Bishop of Amata, the Vicar Apostolic residing at Verapoly, and to his successors. And that the country of Malacca beyond the Ganges may also receive the benefit of Our Apostolic solicitude, and that We may provide for the safety and increase of religion therein, We, in the same provisional way, subject that entire country, to the jurisdiction of Our Venerable Brother Frederic Cao, Bishop of Zama, and Vicar Apostolic of Ava and Pegu.

We declare, that in the ecclesiastical and spiritual government of those countries, the Vicars Apostolic above named depend immediately upon Us, and upon the Apostolic See alone, that they alone are to be regarded by all, as the true Ordinaries of those countries, and that all should obey them, and receive ecclesiastical jurisdiction and faculties from them. Therefore We repeal the Apostolic Letters above recited, of Our Predecessors, concerning the erection and limits of the Dioceses of Cranganore, Cochin and Mylapore or S. Thomé, and likewise that published by Paul IV., on the 4th day of February 1557, beginning *Pro excellenti*, concerning the erection of the Bishopric of Malacca; and moreover, We repeal also

the Apostolic Letter of Our Predecessor Paul IV., of happy memory, of the 4th day of February 1557, beginning *Etsi Sancta*, concerning the erection of the Archbishopric of Goa, so that the Archbishop of Goa cannot in future exercise any jurisdiction, under any title whatsoever, even worthy of special mention, in the countries of which we speak.

These things being thus determined, We consider, that We have fully provided for the proper government of religion throughout those places, and We confidently hope, that it will come to pass, that, God Almighty blessing the design commenced by Us, those things may greatly tend to the increase of the Church. For We confide, that all will pay to Our Decrees that obedience, which is due to Our dignity to Whom, in Peter, the power of feeding, directing, and governing the Universal Church has been delivered by God. Finally We doubt not, that those who hitherto have resisted Our will, will be susceptible of more wholesome counsel, and become sincerely averse to the most grievous evil of schism.

For besides that duty peculiar to every Catholic, by which he is bound to obey Peter speaking through Us, We are persuaded, that they have understood, that those reasons, which they have alleged, in defence of their dissension, can by no means excuse their opposition. For it is well known to all, that the Apostolic See, in conceding that Patronage to the Most Faithful Kings of Portugal, never intended to place an impediment to its providing for religion in those countries, nor to its having the power of decreasing those things, which in consideration of the necessity of the times, the salvation of the Christian people would hereafter demand.

We think, that they also see, how greatly different, and distinct from the present state of things, the times were, in which that privilege was granted and observed. We suppose that they even feel, that those countries, to provide for the good of which, We have turned Our attention, are no longer subject to the old political government, under which it was easy for the Kings of Portugal to exercise the Patronage, but that they have come under the sway of a most powerful Sovereign, whose form of government and institutions, We are well aware, will not allow it.

Finally, We remember, that the Roman Pontiffs Our Predecessors, notwithstanding the concession of the Patronage, have rightly decreed, that from the Dioceses comprehended under that privilege, provinces should sometimes be separated, and Apostolic Vicariates, embracing those provinces, constituted for the benefit of religion. Wherefore, We confide, that those who have not hesitated to oppose Us hitherto, will easily perceive that they should take care, lest, refusing obedience to Our Decree made in the present state of things, they may openly show, that they can produce no reason for their dissension, but that of a disobedient spirit.

Declaring the present letters to be, and that they shall continue to be firm, valid, and efficacious, and that they are to have their full and complete effect, and to retain the same, and are to avail to their widest extent, those for whose concernment they have been issued, or whom they shall at any future time affect, notwithstanding any enactments to the contrary.

Given at Rome, at St. Peter's, under the Ring of
the Fisherman, the 24th day of April 1838,
of Our Pontificate the eighth year.

E. CARD. DE GREGORIO.

APPENDIX III.

Translation of the Apostolic Letter "Probe nostis," (9th May, 1853).

To Our Venerable Brethren, the Bishops Vicars Apostolic, and to Our Beloved Sons, the Faithful in Christ of the Missions in the East Indies.

PIUS P. P. IX.

Venerable Brethren and Beloved Sons, Health and the Apostolic Benediction.

You are all well aware, Venerable Brethren, and it cannot be unknown to you, Our Beloved Sons, what the Pontiffs Our Predecessors, conformably to the duty divinely imposed upon them in Blessed Peter of feeding and protecting the whole flock of the Lord, and in virtue of the office of the Supreme Apostolate, have heretofore done in order to reform and promote in these countries the Catholic Faith, which through the injury of times had so much suffered. Striking proofs of such unceasing vigilance of this Holy See are furnished by the Apostolic Briefs and Decrees of our Predecessors, more particularly by those of Pope Gregory XVI., of happy memory, by which He, though in an extraordinary manner conformably to exigencies, but nevertheless sufficiently and fully, caused the Pastoral care and government of these countries, as also the wants of the Faithful to be provided for, by means of the Bishops Vicars Apostolic and evangelical labourers. You know also what We Ourselves by the unsearchable counsel of Divine Providence placed on this Chair of the Prince of the Apostles, have done by reason of the same solicitude and burden, as in duty bound, that we might pursue the work until room be made for introducing or restoring the ordinary form and institution of Churches.

Nevertheless it unfortunately happened, what seemed impossible to suppose, viz., that even amongst Catholics there were not wanting some, who, completely carried away by specious and human pretexts, dared to oppose such salutary arrangements and resist and impugn the authority of the Supreme Vicar of Jesus Christ on earth, and who are seen still to continue most miserably obstinate in their crime.

You perceive, Venerable Brethren and Beloved Sons, that We speak of that abominable dissension, which stirred up some time back by certain worthless Goanese Priests in these countries, is gradually increasing to the greatest detriment of the eternal salvation of the Faithful, and which is daily more and more pushed on, in order to effectuate the foulest Schism; but the Apostolic See did not fail, as you are aware, to resist the growth of such an evil from the very beginning, and without intermission, and in all doctrine, patience and charity, to bring back to their duty the erring Priests, and that portion of the Catholic people deceived by them. In which matter, being desirous to imitate the forbearance and earnest study of Our predecessor Gregory, We endeavoured to withdraw by admonitions, exhortations, and instructions, the said dissenting Priests and their followers from the way of perdition.

But, Venerable Brethren, you see indeed that all has proved useless, and after having experienced the daily growing injuries hereby inflicted upon religion, and deploring with Us Christ's flock so long rent asunder and torn into pieces, you fully understand that more energetic remedies become necessary. We therefore feel that We must now apply Our hand to this work, and We are, though reluctantly, compelled thereto more particularly by the deeds

recently effected by these agitators, with the assistance of the Bishop of Macao, in the territories of the Island of Ceylon, Bombay and perhaps in other parts, of which you are not ignorant, and which have exceedingly increased the sorrow and pain of Our heart. For We learnt that the aforesaid Prelate, without being furnished with either any Apostolic Mandate, which We never gave him, or permission, passed through those countries subject to the jurisdiction of Our Vicars and of this Apostolic See, where yielding to the prayers and urgent entreaties of the chiefs amongst the dissenting Priests, he was not afraid to administer Confirmation and even Holy Orders, in spite and contempt of the Canonical Decrees and general as well as particular Apostolic Constitutions, and that he not only by example, but also by word and unworthy preaching, did not dread to confirm the faithful people in their deception, and to alienate and summon them away more and more from the due obedience and subjection to their legitimate Pastors.

No sooner had this most afflicting news reached Us than We sent letters to the Bishop of Macao, wherein We pointed out the grievous wrong he had done and admonished him to refrain from similar acts, to consult his conscience, and to be careful in repairing the scandal given to the Faithful. Shortly afterwards the reports from the Bombay Mission having reached Us, We thought proper again to warn that Prelate once more with fresh exhortations, that he should look to his soul and should make due reparation, and trusting that he would comply with Our paternal admonitions, We entreated him in the Lord not to compel Us to proceed more severely, nor to enforce against him the sacred Canons.

Notwithstanding the existence of the many and but too painful proofs of the determined obstinacy of the Priests of whom We made mention above, nevertheless in order that We may not give up all hope of their salvation, as also that by all means We may deliver the faithful people, as far as We are able, from their craft and deceit, and rescue them from the danger of eternal perdition in which they are whilst following their footsteps, We think it proper, that We should direct towards them also Our particular care. Now among others of the aforesaid Priests, who for a long time have laboured in fomenting and propagating dissension, and in establishing the Schism, who it is clear are liable to ecclesiastical penalties and censures, We think it very proper to notice by name those, who were the principal authors of what has been perpetrated by the Bishop of Macao in the Vicariate of Bombay, viz. Mariano Antonio Soares, who boasts himself to be the Vicar-General of the Goa Prelate in the Bombay territory, as also the Priests Gabriel DeSilva, Braz Fernandes, and Joseph DeMello.

These in particular We admonish and We most affectionately exhort them in the Lord, to cease now at least from such impious doings, and to delay no longer to look after their own souls, and the eternal salvation of others. But although they are not ignorant, that they are liable to canonical penalties and ecclesiastical censures, nevertheless We declare, unless they return within two months from the publication of this Our Brief, they shall be held to have incurred them, to be suspended *a divinis*, and to be Schismatics, and separated from the Catholic unity, and We will that they be branded and denounced as such by the faithful people.

We are also fully aware, that there are other priests, who have long endeavoured to foment and effect in other countries the most heinous Schism, such as in Madras, Ceylon, and

other Missions. We however for the present refrain from reproving and punishing them by name; for We entertain the hope, that they, as well as the above mentioned priests will give an easy and willing ear to Our paternal exhortations, and that they will submit themselves and the people deluded by them to their legitimate pastors, viz., Our Vicars and those of the Apostolic See, in order that We may not be compelled to proceed more severely against them also.

Now though in virtue of long-since enacted and repeated Decrees and Constitutions and commands of this Holy See, as regards the legitimate pastors of the East Indies, there does not remain the smallest room for wavering or doubting, nevertheless in order to remove all subterfuge, We declare again positively, and as far as it may be necessary, that in the established Apostolic Vicariates, all authority and jurisdiction belong and are committed to Our Vicars or Administrators and those of the Holy See, in such manner that no one whosoever shall be allowed to exercise in the same territories sacred functions, or to administer the Sacraments, save with their leave and faculty.

But nothing is more frivolous, than what is said to be the constant boast of those priests in order to beguile the simplicity of the Faithful, viz., that very many things are decreed, not by the Apostolic See and the Roman Pontiff, but are enacted by the Sacred Congregation *de Propaganda Fide* without His knowledge or counsel: moreover that several matters are not to be complied with, because destitute of the *placet* of the Civil Authority. Let them know therefore, that all and every of those things decreed in this matter, have been enacted by the Roman Pontiffs on Their own determination *(proprio motu)*, with full knowledge and deliberation, and in the plenitude of Their power, and if Our predecessors of happy memory, or even We, have decreed certain matters through Our said Congregation, let them know that they have been decreed and ordained by Our will and command, and that of the Roman Pontiffs, and not without Their knowledge and counsel. For all men know, that Our Sacred Congregation is nothing more than an assistant in counsel of the Apostolic See, and a minister of the mandates and commands of the self-same Holy See. It is indeed a foul and impious device, that the rights divinely conferred upon the Apostolic See and the power of the keys of the supreme government of the Church delivered by Christ the Lord can be restricted, proscribed or diminished by human ordinances. In vain does he glory to be in the Catholic communion, who is not joined to the Chair of Peter and to the Roman Pontiff: and whosoever is not with Him, must needs acknowledge to be against Him and out of unity, for whosoever does not gather with Us scattereth. Now We can never recognise those to be joined with the Chair of Peter and the Roman Pontiff, who oppose and refuse to obey Our Vicars, and those of the Holy See constituted by the same See for the government of those Faithful. Nor is it to be passed by in silence that the above mentioned Priests resist not only the legitimate Church authority and consequently the Divine ordinance, but through these their dissensions labour moreover, that the negociations already entered into between Us and Our most dear daughter in Christ, Maria the Most Faithful Queen of Portugal and the Algarves, and her Government, should not be brought to a happy issue, and so they oppose the wishes of the Queen herself, whilst they imagine to do her a service.

Lastly, We address also you, Our Beloved Sons the Faithful, and We admonish you most

affectionately, and exhort you to avoid carefully those who endeavour to withdraw you from the Pastors set over you, and therefore from Our communion, and that you will never suffer yourselves to be separated from that unity, out of which there can be no salvation. Beware of those who come to you in the clothing of sheep, but inwardly are ravening wolves. We again inform you that in the Goanese Priests and others who disturb you, there is no jurisdiction or authority whatsoever, or any faculty for exercising the sacred ministry in those territories, in which Our Vicars and those of the Apostolic See are established ; so that you would only adhere to them to the ruin of your souls, as long as they themselves remain cut off from their legitimate Prelates.

For the rest trusting in Him, Who is the Author of peace, and the God of all consolation, We entertain the firm hope, that after this Our Brief has been spread amongst you, the erring will return to the way of justice and salvation, and that We may everywhere behold but one sheepfold.

In the meantime most affectionately We impart to you, Venerable Brethren, and to those beloved flocks committed to your care the Apostolic Benediction.

Given at St. Peter's in Rome the ninth day of May, 1853, the seventh year of Our Pontificate.

PIUS P.P. IX.

APPENDIX IV.

Letter of the Supreme Pontiff Pius IX.

To His Most Faithful Majesty Don Luis, King of Portugal, 3rd August 1864.

Sire,

With the frankness becoming Our Apostolic Ministry and with the confidence inspired by the noble character of your Majesty, We call your sovereign attention to a question of the gravest nature, which for a long time has caused to Our heart serious uneasiness, and, while it concerns the most vital interests of the Catholic religion, it is at the same time intimately bound up with both the conscience and the interests of your Majesty. We intend to speak about the Convention entered into by Us in the year 1857 with your Majesty's august brother of glorious memory, with the object of putting an end to the great calamities which afflict the Catholic Church in India, and of providing for the true welfare and spiritual advantage of an immense population in need, above all, of spiritual help and special assistance.

We do not desire here to place before the eyes of your Majesty the whole series of the events which happened before, during, and after the stipulation of that solemn document, or the grave considerations which urged Our august predecessors to send to India their Vicars Apostolic in order to support the Church in its extreme danger, or the contradictions and injuries those venerable Prelates had to suffer even at the hands of those who ought to have assisted them in their mission, or **the repeated schismatical invasions of churches and missions subject to the authority of Our Vicars, or lastly, the quite extraordinary indulgence We have shewn by legitimating, although only for a time, a usurped jurisdiction, and by reviving a most singular privilege which, in regard to the places under foreign dominion in which it is to be exercised, and to the other surrounding circumstances, has no parallel in the history of the Church.** Nothing more is required at present, than to establish before your Majesty two undeniable facts ; the true and real purpose which the two supreme authorities had in view when concluding the above-mentioned Convention, and the loyalty with which the Holy See, in face of the difficulties and embarrassments subsequently raised, put its hand to the execution of the stipulated contract. Sire, in order to induce Us to conclude the Concordat for India, We, Who are placed by Almighty God at the head of the government of His flock, had not, and could not have, any other object in view than the cessation of the evils which beset those vast countries, the glory of the Lord, the pacification of His Church, the true and positive interest of religion and of souls. Nor could any other have been the purpose of your august predecessor, who, animated as he was by noble and generous Catholic sentiments, understood well enough how absolutely impossible it was for Us to permit that the intended change in the form of Church government in India should cause the least harm or danger to the eternal salvation of the souls confided to Our care.

This being stated, your Majesty will fully understand, that all Our common solicitude and interest must be placed in providing for the execution of the Treaty in such a way that, whilst We use the supreme power given to Us by God for edification and not for destruction, and your Majesty shews yourself a dutiful and devout son of the Church, both of Us may be able to co-operate towards safeguarding the interests of Our holy religion, and thus to avoid the heavy responsibility which otherwise would press upon Us in the face of the terrible judgment of Almighty God.

Having this object in view, We overlooked the new grounds for just complaint given to Us, after the stipulation of the Treaty, by the bestowal of honours on ecclesiastics who had rebelled against Our authority (1), by the omission of the publication of certain documents ordered by Us (2), and by continued usurpations and repeated insults offered to the authority of Our Vicars and of Our Congregation of the Propaganda (3), and, notwithstanding these grievances, We sent Our Commissary to India. The instructions which under such circumstances We gave to him, whilst in conformity with the stipulated articles of Our Convention, were all calculated to secure the perfect pacification of the Church, to guarantee the true spiritual advantage of the faithful, and to promote the propagation of Our holy religion. And had it not pleased Almighty God to call to Himself that worthy Prelate, the labours preparatory to the execution of the Concordat would perhaps at this moment be in a more advanced state.

In accordance with the reports received from members of that commission, We have, however, to point out some circumstances of the utmost gravity, which absolutely must be submitted to a most serious consideration, before any further step can be taken. They refer in the first place to the territorial extension of the Archbishopric of Goa, and of the new Bishopric to be established within the territory of the same Archdiocese. Owing to the want of accurate local information, it must be confessed, both the Government of your Majesty and the Holy See found no difficulty in agreeing that, whilst the old territory of the Archbishop of Goa was to be preserved as fixed by Pontifical Bulls, a distinct Bishopric was to be erected within the limits of the same Archdiocese. But when Our Commissary had arrived at the very place marked out for disconnection and for the circumscription of the new Diocese, and examined in detail the enormous and unwieldy extension of the territories which would have to be assigned to the Archbishopric of Goa as well as to the new Bishopric, he felt so great a surprise and repugnance that he could not help proposing to the Commissary of your Majesty to appeal to the good sense of your Government, in order to obtain fresh instructions with the view of a more equitable and reasonable division. And the same Archbishop of Carthage was witness to the just impression made even on the Royal Commissary, who, although a warm supporter of the Portuguese Patronage, was yet reasonable enough to refrain from insisting on a literal execution of the Concordat, and shewed himself disposed to ask for new and more precise instructions.

And indeed, how would it have been possible that while in all parts of the Catholic world, in order to provide for the ever growing spiritual wants and to facilitate the propagation of the Catholic Faith, the centres of Episcopal authority are day by day multiplied, new Hierarchies erected, and new Apostolic Vicariates and Prefectures established, We should have been capable of bringing Ourselves to assign to one or two Prelates the whole territory actually governed, not without grave difficulty and hard exertion, by no less than seven Vicars Apostolic animated by incomparable zeal and assisted by sufficient means, well organised institutions, and zealous missionaries? Moreover, let Us appeal to the sincerity of your Majesty's Government and invite the same to declare whether during the protracted and painful negotiations for the conclusion of the Concordat, We had any other intention and any other common consideration but to restrict and to circumscribe the new Dioceses so as to

render the exercise of the pastoral ministry both easy and expeditious. This being the case, We declare openly to your Majesty that, according to the information received, We believe We should fail in Our most sacred duties, were We to leave to the Archdiocese of Goa all that territory assigned to it by Pontifical Bull in bygone times, when there was none of the spiritual help now provided by the care of the Holy See, and to put Our hand to the erection of one single other Bishopric within the limits of that same vast territory.

Let Us rather request that for the glory of God and for the welfare of souls your Majesty to issue orders to prepare a new Convention, be it for the circumscription of the Goa Archdiocese within equitable and reasonable limits, be it for the erection within that immense tract of land of as many Dioceses as are necessary and indispensable for obtaining the desired object, the eternal salvation of the Faithful, and the propagation of the Catholic religion in the midst of peoples still living in the darkness of error.

But besides the difficulties arising from the excessive territorial extension of the new Bishoprics, others and still graver ones have been pointed out with regard to their future organization. Your Majesty knows full well how arduous and difficult is the task of the Catholic clergy in the vast dominions of the East Indies. An innumerable people buried in the darkness of paganism, a considerable remnant of schismatics of an oriental rite obstinately holding to their errors, a number of dissident sects established and protected by a Protestant Government and helped by rich institutions for the instruction and education of youth, handsome private resources, and numerous ministers; **all these are circumstances which absolutely demand in the Catholic clergy of India quite special and extraordinary qualities an uncommon spirit of self-denial and disinterestedness, refined science, an exemplary purity of life, and an active zeal which renders the ministers of the Lord fearless in dangers and ready even, if required, to shed their blood for the propagation of the Faith.**

Well then, it pains Our heart to declare it to your Majesty, but the information received about the so-called Goa clergy, as a body, has been very unfavorable and very discouraging. Far from being a clergy endowed with those extraordinary qualities, they are described, barring some exceptions, as little or not at all instructed, by no means ardent in the fulfilment of their duties; but rather given to a pleasant and inactive life, and sometimes even guilty of scandal and grave delinquencies. This information cannot be at all new to your Majesty and to your Royal Government, since in several official reports rendered by persons altogether unsuspected, among whom also the Portuguese Commissary Senhor Rivara is to be reckoned, the condition of the said clergy is not described in more favourable terms, as there they are said to live for the greater part in a state of deplorable ignorance.

May it then please your Majesty to judge for yourself, whether a clergy of this description can worthily replace that select band of zealous missionaries who nowadays labour and toil with so much fruit in the vineyard of the Lord, and whether the Head of the Church can in good faith confide to priests of that stamp so great and important a part of the fold of Christ and the conversion of so many peoples, without rendering Himself guilty before Almighty God of the incalculable damage that would be its consequence. If therefore the Concordat has to realize its object, the true and real interests of the Church, it is necessary first to

prepare a clergy who would consecrate themselves to the hard work of the missions, renounce the comforts of this life and the desire of gain, and be filled with the spirit, knowledge, and charity of the Lord, in one word a clergy who could without prejudice to souls be substituted for the clergy actually under the obedience of the Vicars Apostolic. Portugal had already at the time of the first foundation of the Indo-Portuguese Bishoprics a learned and zealous clergy, to the joy of the Church and the true glory of that flourishing Kingdom; there were well organized Seminaries, Pontifical Universities, Religious Orders, pious institutions, and many other establishments for the instruction and education of the young clergy. But since unfortunately nowadays the Religious Orders are suppressed in Portugal, their educational establishments abolished, the Statutes of the University arbitrarily changed, and the Seminaries reduced to a lamentable condition, it will be evidently impossible to find on the continent a sufficient number of clergymen endowed with the requisite qualities, and ready to abandon the land of their birth in order to face the dangers and to undergo the hardships of distant missions. The history of these last times teaches us clearly that it is principally to these circumstances that the nearly total abandonment of the Indian Churches must be attributed, which imperiously called for the above-mentioned provisions on the part of the Sovereign Pontiffs.

In order to revive the spirit in the clergy it is altogether indispensable to reorganize in proper form the Seminaries of Goa as well as of the Kingdom, for educating a clergy able to satisfy the requirements of the Indian Churches. Experience moreover attests that it is principally in the Religious Orders that the necessary elements are to be found for the good and prosperous management of the Church in distant and poor countries. Hence the preparation of a zealous and virtuous clergy for India requires moreover of absolute necessity that your Majesty, on account of the total absence of Religious Communities, should provide, at least for the present, for the establishment of Mission Colleges either in your own country, or here in Rome, or elsewhere; and, besides, in order to obtain the very first subjects for the new Bishoprics, those institutions should without detriment and prejudice to the souls be allowed to furnish other Missionaries.

We invite therefore your Majesty, on your part to apply yourself to founding the said Institutions and Colleges, and to hand over their direction to the respective ecclesiastical authorities; and We assure you on Our part, that as soon as We shall see issuing from them fresh and zealous Ministers, We will with quiet mind and secure conscience confide to them in proportion to their number the care of the souls and the future of the Church in the East Indies.

The material means, too, which the Portuguese Government proposes to apply for the organization of the new Bishoprics are, according to what Our Commissary had to report, altogether insufficient to meet the purpose. But there is still something more. The said means, besides being unequal to the burden explicitly taken upon itself by the Portuguese Government in virtue of the Concordat, are totally wanting for the establishment and conservancy of that long list of educational Institutions, Colleges, Asylums, Hospitals and so many other works of beneficence, which are, especially in the present time, so much required for the prosperity of a Diocese, and are in fact already suitably established and maintained in many Aposto-

lic Vicariates. Your Majesty understands sufficiently that in a country, where the Catholics are in possession of such Institutions, it would indeed be impossible to let them all at once disappear without thereby causing misery, discontent and disaffection among the faithful, not to mention the danger of seeing many abandon the true religion for another one which in the same place offers with regard to temporal requirements better assistance and greater advantages. And it is precisely on account of the failure, under which the Portuguese Government labours, of the above-mentioned means, and in consideration of the consequences pointed out, that some of those Catholic Communities have forwarded to Us addresses and petitions in favour of the continuance in their respective countries of the Vicars Apostolic, addresses and petitions which not only place Us in a painful situation, but also furnish Us with a well-founded motive for calling the attention of your Majesty and of your Royal Government to this question of the utmost importance.

But in addition to all these serious difficulties, which We invite your Majesty to remove so as to secure by the execution of the Concordat the true interests of the Church, there are others of still greater importance. The Concordat was to inaugurate an era of peace and tranquillity for the Catholic Church in India. This was in fact the scope which We and the august predecessor of your Majesty had in view when We concluded and ratified the same. Now, as long as the false notions, which upset Our authority and that of Our Congregations, are not withdrawn, but are allowed to continue to rule with impunity in India, as long as the force and authority of Our Decrees and Our Briefs are not publicly recognised by all, **and in particular by the Agents of the Government,** as long as the publication of books and Pamphlets of subversive tendencies and anti-Catholic principles is left unpunished, as long as the ecclesiastics who foment division, calumniate Our Vicars, and live improper and scandalous lives, are not recalled to their duty, as long as the iniquitous law, which confiscates the property of the Goanese priests, who submit to the obedience of the Vicars Apostolic, and inflicts on them the pain of imprisonment should they put their foot on Portuguese soil, is not expressly abrogated, and lastly as long as those parish priests who gave the sad example of open rebellion against this Apostolic See, are not deposed from their office, it will be not only utterly impossible to consolidate the peace, but also new and more dangerous germs of an interminable and disastrous struggle must shoot forth. This is why We pray Your Majesty to crown that work of peace by giving the strictest orders calculated to remove the evils We deplore. Your Majesty may believe that your influence in India will never be better secured and guaranteed, than when your directions and decrees keep in perfect harmony with the sound maxims and with the directions and decrees of the Apostolic See.

Finally, a last and very important declaration is here necessary in order to secure more and more the object of the Concordat. Your Majesty cannot ignore that Our Predecessors, and on different occasions We Ourselves, have had the displeasure to be obliged to reprove and condemn not a few enactments and laws published there to the prejudice of the Church and in violation of her most sacred rights. **Above all have been reproved and condemned the laws on the "Royal Placet" which put obstacles to the free intercommunion between the Faithful and the Head of the Church, and prevent the free execution**

of Pontifical decrees; a protest has been entered against the suppression of religious corporations, against the alienation of ecclesiastical property, against the reduction and alteration of pious bequests, against the abolition of the parochial benefices, and against several other measures of the same kind; lastly, many abuses and arbitrarily introduced customs have been reproved and condemned, among which the most noteworthy and most fraught with sinister consequences was this, that the nominees of the King to Cathedral churches began the exercise of Episcopal jurisdiction before they had received from the Holy See the Bulls of their canonical institution.

Now, if this state of things, so lamentable and so disastrous for the Church, has been reproved and condemned in the case of Dioceses already erected and established in Portugal, within the territory subject to its own political dominion, **it would be entirely impossible for Us to tolerate the same in any way in the new Churches which according to the Concordat have to be erected in the territory of India, over which the political power of Portugal does not extend its authority.** Your Majesty may judge in your impartiality and religious sentiment, whether the Head of the Church, on whom the duty is imposed of defending and protecting the liberty and the sacred rights of the Spouse of Christ, can, without rendering Himself culpable before Almighty God, substitute for an ecclesiastical government free from all bondage and unrestrained by any shackles, **an administration subject to laws and ordinations restricting the ecclesiastical power; substitute for the free communication of the Faithful with the Holy See, an arbitrary system full of obstacles, and impediments; for the full free power of the sacred shepherds over their clergy and their flocks, a restricted and limited rule dependent in every respect on the arbitrary judgment of a government.**

Majesty, let Us repeat it in all freedom, ready to confirm it, if necessary, before the whole world, We cannot give Our concurrence to the establishment of a state of things so prejudicial to the Church, in substitution for the other one so flourishing and so fruitful of all possible good, without feeling a remorse of which We absolutely want to free Our conscience. **Let therefore Our action and Our authority in all the new Churches be declared free; let the full and absolute independence of the pastoral ministry be guaranteed; let the free communication of the Faithful with their Bishops and with the Holy See be established; let no impediment be put to the execution of Our acts and of those of the ecclesiastical authority;** let the inviolability of the Church patrimony be respected; let the Bishops enjoy the right to establish in their Dioceses Religious Orders and Congregations; let the latter be at liberty to found every kind of pious institutions, whether for charitable, benevolent or educational purposes; let no abuses and usages otherwise censured by Us be introduced there, and particularly no undue interference in the administration of the Dioceses; and then your Majesty may, with the blessing of God, call for Our co-operation, which We shall then yield to you without anxiety and without remorse, nay with true satisfaction of Our heart.

May it please your Majesty to weigh with a tranquil and benevolent mind the declarations which We were bound in conscience to make to you after having received from India the Reports of those whom We sent there for the execution of the Concordat. Your Majesty must not believe, that all We have pointed out to you is the result of a foregone resolve to withdraw the privileges granted, or to create embarrassments to your Government.

No : God is Our witness that We have no other intention but that of securing the well-being of souls and the interests of Our holy religion. We are rather persuaded that, by inviting your Majesty to smooth down the difficulties that stand in the way of so noble and grand an undertaking, We actually submit to you the means for obtaining the advantages which your august brother had in view for the good of both Church and State. May it then please you to give Us the consolation to see Our wishes and desires fulfilled; and be assured that, by securing the execution of the Concordat in the way We have pointed out, your Majesty will call down the blessings of Heaven upon yourself, upon your whole august family, and upon the Portuguese nation; and the peace of the Church, restored by that act, and the salvation of so many souls guaranteed by your efficacious co-operation, will form the most splendid and imperishable glory of your reign.

Receive in the meantime the Apostolic blessing which, from the inmost of Our heart, We bestow upon your Majesty and upon the whole royal family.

Given at Castle Gandolfo, the 3rd August 1864.

PIUS PP. IX.

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(1) Allusion to a notice by Government inserted at the time of the publication of the Concordat, in the official *Boletim de Goa*, in which the following passage occurs: "On this occasion His Majesty orders that to all the ecclesiastics of the Orient, who have taken such great pains to uphold the rights of the Portuguese Crown, be signified His just appreciation of their patriotic efforts, and hopes that all will give one proof more of their devotedness...by giving their temperate and prudent assistance towards putting an end to the misunderstanding." An allusion also to the dignity to which the chief of the four priests named in the Brief *Probe nostis* was elevated in the Cathedral of Goa.

(2) Allusion to the omitted publication of the second act of Archbishop Amorim Pessoa, dated 4th October 1862, ordered by the Pope to be issued and published by the Archbishop in order to rectify his first act of the 18th June, in which grave and misleading errors were contained regarding his ordinary and extraordinary jurisdictions. Though signed by the Archbishop, it has never been published in Goa, either by the Government in the *Boletim de Goa*, or by the Vicar General of Goa. Likewise an allusion to the omitted publication of the act of retractation, submission, and repentance, signed on the 23rd December 1862 by the four priests of the Goa jurisdiction who had been nominally censured in the Brief *Probe nostis*, dated 9th May 1853.

(3) Allusion to the insults in the Lisbon Chambers and journals against the Holy See, and especially against the Sacred Congregation of the Propaganda, which was often falsely represented as a society independent of the Supreme Pontiff, whilst it is nothing but the Council and the mouthpiece of the Supreme Pontiff, Who is responsible for its Resolutions ("*S. Congregationem nostram nonnisi per consilium adjutricem Nobis et mandatorum ac jussionum ministram esse omnes norunt.*" Pius IX. in the Brief *Probe nostis*)

APPENDIX V.

Letter from H. E. Cardinal L. Jacobini, Secretary of State, to the Marquis of Thomar, Portuguese Ambassador to the Holy See.

VATICAN PALACE, 10*th April* 1884.

In the very beginning of His Pontificate, on the occasion of the prorogation of the extraordinary faculties of the Archbishop of Goa, demanded by the Royal Portuguese Government in 1878, our Holy Father directed His attention to the state of the Catholic Church in the East Indies, and the increasing development of those new Christianities was the object of His Apostolic solicitude. And while He found reason for joy and consolation in the flourishing condition and the progressive increase of the Churches directed by the Vicars Apostolic, which induced Him to increase the number of Vicariates, He could not fail to deplore the state of decay and the grave disorders, which take place among the Faithful confided to the care of the Goanese clergy.

Extensive and authentic reports addressed to the Holy See, from various points of the East Indies, agree in attesting, in a precise and incontestable way, enormous abuses in the exercise of the sacred ministry, ignorance and religious abandonment of the people, reprehensible traffic, scandalous intrusions, violent conflicts. In many places the children are only baptised at the age of three, of four, and sometimes of twelve years. Marriages are blessed in the closest degrees of consanguinity, without canonical dispensation, and without proof of the free state, and also very often the nuptials of supposed widows are authorised, while the first husband is still alive. The sacrament of penance is only administered once a year, and without any proof of repentance, public sinners, persons notoriously living in concubinage, and men given to sorcery and necromancy are admitted to the sacraments.

In parochial churches there is only a sermon once or twice a year on the occasion of some solemnity. The religious festivals and the most celebrated sanctuaries are profaned by obscene dances, scandalous scenes and pagan superstitions, authorised by the presence of the priest. The Holy Eucharist is only reserved in the churches during Lent. No care is taken of the sick, who, abandoned after confession, scarcely ever receive the last sacraments and often die without the assistance of the priest, who, having all his care in receiving the fees which pertain to him, is not accustomed to be absent at the funeral or the interment.

The schools are far from corresponding to the necessities and to the extent of the parishes, and often Jews and Muhammadans of wealthy families are preferred to poor Christian boys. The teaching of the catechism is completely neglected, nor do the people know the fundamental mysteries of the Faith and the obligation by which they are bound to use the sacraments: in various villages the value of the Mass above that of other public prayers is not distinguished, and in some it happens even that the name of the Divine Author of the Church is unknown.

From these facts it is easy to understand what is the culture and the conduct of the Goanese priests. Generally not possessing the most elementary theological knowledge, of an undisciplined temper and independent even of their own Archbishop, rather than promote

the good of the faithful, they fix their minds on augmenting their own incomes in the exercise of the holy ministry. It is not therefore surprising that, without any authority and contrary to all right, they intrude themselves in administering baptism, in blessing marriages radically null for want of jurisdiction, and in burying the Faithful, who belong to the obedience of the Vicars Apostolic. Similar usurpations have continued for a long time, nor are there wanting cases of injurious publications, of calumnious persecutions organised against the same Vicars, of abominable artifices to throw back into paganism villages converted by them, of violent occupation of their churches and of public tumults, as is attested by the infinite series of lawsuits and appeals, which are preserved in the records of the English Courts and of the Government of India.

In the midst of a pagan people, in the presence of schismatical oriental sects obstinately attached to their errors, it is easy to understand how such conflicts become prejudicial to the increase and to the honour of the Catholic name. The people, ill-instructed and abandoned to themselves, who, seldom visited by the priest, see him more intent on his own gain than on their spiritual good, naturally are reduced to live a pagan life, or, as happens in various villages, miserably return to paganism. The continual and bitter disagreements between two classes of ministers of the same religion, and the two-fold rule followed by them in moral judgments, and in the administration of the sacraments, produce scandal and confusion in the minds of men, which enfeeble their faith and repel from the Church the pagans, who ought to be invited to it by the divine attractions of a religion of charity, truth and justice.

This deplorable situation was presented to the examination of a special congregation of Cardinals in 1881, when the last prorogation of the extraordinary faculties of the Archbishop of Goa was under consideration. These most eminent Fathers were unanimous in recognising the urgent necessity for remedying such grave abuses, and in indicating to the Holy Father *as the only efficacious remedy* the abolition of the jurisdiction of the Archbishop of Goa over the *statu quo* in all the Vicariates Apostolic of the East Indies. In spite of this, His Holiness, animated with sentiments of special predilection for his Most Faithful Majesty, and moved by the spirit of noble moderation, was pleased to concede the prorogation demanded for two years, and in this interval, ordered that in the same places should be newly collected more exact and certain information, and that a general and circumstantial report should be drawn up upon the religious condition of those Churches. The Sovereign order was faithfully executed, and he who writes these pages has before him the long and detailed report upon the state of the delegated jurisdiction, which confirms substantially the irregularities which have been above enumerated, and it concludes as follows :—" Many of these " Christians live like pagans ; some villages have relapsed entirely into heathenism, others " will soon follow, if a prompt remedy is not applied to the abandonment in which the " Goanese priests have left them."

The Holy See has not failed on various occasions to make known to the Portuguese Government its painful apprehensions with respect to the deplorable state of the Churches of the East Indies, sometimes in conceding the repeated prorogations of the delegated jurisdiction, limiting it to three to two years and even to one year, sometimes by means of the verbal

manifestations of its representatives, and principally in the memorable letter of 3rd August 1864, addressed to his Most Faithful Majesty by His Holiness Pius IX., in which were pointed out the many obstacles by which the action of the Pontiff and of the Vicars Apostolic was impeded, the injuries done to and the persecutions raised against their holy ministry, the schismatical resistances, the repeated invasions and *other fatal consequences of the Double Jurisdiction*, and the two principal causes of these evils were demonstrated, to wit, the character of the Goanese clergy, and the enormous extent of the territory.

The disposition of the Goanese people is notorious. They consider the ecclesiastical state as a common profession or a civil career, in which they are accustomed to put their sons in order that they may obtain means of gain and of subsistence. In this way is easily explained the want in many of them of divine vocation (which is the base of abnegation and of the ecclesiastical virtues), their deficiency in instruction, their negligence in the holy ministry, the frequent tumults and their spirit of self-interest and independence. The present Archbishop of Goa—it is right to mention it—employs all his prudent zeal to maintain discipline and diminish disorders, but in regions so vast, the direction of the prelate becomes inefficacious, if it be not obeyed with reverent docility, and be not seconded by a good clergy, well-instructed and active.

It is impossible to think that such evils can be stopped by marking out the limits of the Dioceses suffragan to Goa, for, in the first place, the four or five new Dioceses would be absolutely insufficient to promote the conversion of hundreds of millions of infidels, and to satisfy the necessities of those Churches, spread over a territory equal in extent to the whole of Europe, which with difficulty are administered by twenty-five Vicars Apostolic, whose number goes on increasing year by year. Besides this, to erect new Dioceses, which may be true centres of action and of religious progress, especially in the local circumstances peculiar to the East Indies, it is not enough to mark out their boundaries, like those of a property or a state, and to nominate Bishops, but Chapters, Seminaries, Schools, Religious Orders, institutes of education and charity are also necessary, and above all, a virtuous, learned and zealous clergy, conscious of its high mission, and solicitous for the salvation of souls. Now to prepare all this, abundant material means are wanted, *numerous Missionary Colleges*, the unlimited and vigorous life of religious congregations, in a word, the free action of the Church and all those conditions of which there is a splendid synthesis in the above mentioned letter of Pius IX., and which till now have not been complied with.

Nevertheless, the Holy See has not failed to give proofs of the most ample condescension, lending itself to maintain the *statu quo* in the precise terms of the agreements and settlements. It had only promised to delegate the jurisdiction over the *statu quo* for six years, and to concede a prorogation after the six years within limits more restricted. Nevertheless, twelve prorogations have already elapsed, and another of equal extension is demanded after nearly thirty years since the original concession, without any sign or guarantee presenting itself that this precarious state of things is to come to an end.

The Holy Father, having carefully weighed this important matter in all its extent, is persuaded that the religious situation of the East Indies presents most grave disorders, which expose the faith of Catholics to continual perils, and impede the conversion of the heathen

and the increase of religion. He has recognised also that the *Double Jurisdiction exercised in the same places by two autonomous authorities is the principal cause of such disorders*, and that the repeated prorogations conceded for so many long years tend to maintain and perpetuate them. Moved, therefore, by the sacred duties which His divine mission and Apostolic Ministry impose on Him, pre-occupied with the eternal salvation of so many souls, after mature deliberation, He has determined, that the extraordinary jurisdiction of the Archbishop of Goa upon the *statu quo* in the twenty-five Vicariates Apostolic in the East Indies must cease as soon as possible. Seeking, however, to give a last proof of deference for his Most Faithful Majesty and his government, He has ordered that the said jurisdiction, in conformity with the annexed Decree, be prorogued for a year in the territories of Bombay, Mangalore, Madura, Verapoly, Quilon and Madras, and for six months in all the others.

And in order that this His Sovereign determination may be complied with peacefully and regularly, He desires to proceed in agreement and good intelligence with the government of his Majesty, to which will be conceded all the facilities and benevolent aid, which may be necessary to remove the obstacles to practical execution, and which are advisable on account of the delicacy of the circumstances. He has therefore ordered the undersigned Cardinal Secretary of State to invite the Government of his Majesty to take without delay those resolutions which correspond to the just needs of the crown, to the interests of its subjects and the glories of the Portuguese name, without in any form compromising the flourishing state of the Vicariates Apostolic and the future progressive development of those Churches.

And this is what the undersigned Cardinal Secretary of State has to communicate to his Excellency in answer to his esteemed note of the 3rd of last January, asking him to kindly bring it to the knowledge of his government, and while he hopes the occasion opportune, in order that within the term established, the decrees may have their fulfilment, he avails himself, &c., &c.

L. CARDINAL JACOBINI.

APPENDIX VI.

Translation of the Brief "Studio et Vigilantia," 26th August 1884.

LEO POPE XIII.

For perpetual Remembrance.

Ever since the Christian Religion began to illumine the distant countries of the East Indies, the Roman Pontiffs, Our Predecessors, have with admirable solicitude and vigilance, and by all means in their power, endeavoured to promote its continuous growth and prosperity, and to preserve unimpaired the integrity of the Faith. The missionary expeditions undertaken under the auspices and pursuant to the commands of the Apostolic See, the creation of Dioceses and Vicariates Apostolic, the appointment of Bishops, and the enactment of laws for the right government of the said Vicariates, bear witness to this fact. But in the course of time, the crafty foe of the human race interposed; and dissensions having subsequently arisen between the clergy subject to the jurisdiction of Our Venerable Brother the Archbishop of Goa and the Vicars Apostolic, it was deemed proper, in order to settle those differences, to provide by way of a temporary and extraordinary measure for the care and administration of such places as were situated outside the Diocese of Goa and within the limits of the Suffragan Dioceses, yet were at that time severed from the obedience and authority of the Vicars Apostolic. With this view, an extraordinary and temporary jurisdiction over those places was delegated to the said Archbishop of Goa, to be exercised by him in the name of the Holy Apostolic See, and the limited time originally appointed for its exercise has since been frequently prorogued. However, from information by us received and from documents entirely trustworthy, it has become evident that the religious condition of the East Indies for several years past has been unsatisfactory; so much so, indeed, that from the grave disturbances which have taken place, there is reason to fear lest the faith of Catholics be imperilled, the conversion of infidels to the Faith impeded, and the growth of religion thwarted. Upon a close consideration of this unfortunate state of things, it has appeared to Us that its cause was to be traced chiefly to the double jurisdiction there exercised by two independent authorities and to the impossibility in which the Archbishop of Goa was placed, from the immense extent of those countries, of watching over them with due pastoral solicitude. Wherefore, pressed by the obligations of the Supreme Apostolate divinely entrusted to Us, moved at the sight of so many souls that perish, and wishing to apply a remedy to evils so great, We have resolved to put an end to the exercise in those countries of that double jurisdiction, and in particular, to settle what regards the Vicariates Apostolic of Hyderabad, Pondicherry, Calcutta, the Malayan Peninsula, Eastern Bengal, Colombo and Jaffna. Having in consequence maturely considered and weighed all concerning this affair, with the advice of Our Venerable Brothers the Cardinals of the Holy Roman Church belonging to the Sacred Congregation of the Propaganda, and also of Our Venerable Brothers the Cardinals of the Holy Roman Church of the Congregation of Extraordinary Ecclesiastical Affairs, We have, by decree of the latter Congregation of the 1st April this year, ordered that the extraordinary jurisdiction which the Archbishop of Goa, in virtue of a delegation of this Holy See, exercises in the aforesaid

Vicariates of Hyderabad, Pondicherry, Calcutta, the Malayan Peninsula, Eastern Bengal, Colombo and Jaffna, should be prorogued for six months only, that is, up to the thirtieth day of September of this year, 1884. It is Our will that after this term, the jurisdiction of the Archbishop of Goa in the said Vicariates do cease altogether, and We decree and enact that from that day henceforth, the said places shall be entirely subjected to the jurisdiction and authority of the Vicars Apostolic; and We declare and order that the extraordinary jurisdiction imparted to the Archbishop of Goa by Apostolic delegation in the said countries, shall cease in all of them from the 1st day of October of the present year.

Therefore We direct all the clergy and people in those countries to submit to the Vicars Apostolic from the 1st day of the said month of October, to obey them, and to receive from them only the necessary jurisdiction and faculties, all Apostolic Decrees and Constitutions and anything else whatsoever, however deserving of special and individual mention and derogation, to the contrary notwithstanding.

Lastly, We exhort all, clergy and laity in the said countries, to acknowledge with one heart and soul their Vicars as their only Pastors, to receive and put in practice their salutary admonitions, so that the Christian Religion, which is kept sound by charity, may suffer no damage, and they themselves may, as is meet, persevere in their allegiance to and communion with the Roman Pontiff.

Given at St. Peter's under the Fisherman's seal on the 26th day of August, 1884, in the seventh year of Our Pontificate.

F. CARD. CHIGI.

APPENDIX VII.

Reprint of some of the Lay Petitions against the Portuguese Patronage.

Note.—The following petitions are reprinted merely to show the unanimous sentiments of the Catholic laity of the South of India regarding the Portuguese Patronage and the Double Jurisdiction. They are selected out of an immense number, which were submitted to the Holy See. For instance, more than a hundred such petitions were sent to Rome in 1885 from the different parts of the Vicariate Apostolic of Madura, and over eighty were sent from the Vicariate Apostolic of Mangalore.

(**A**) *Petition of the Catholics of the Vicariate Apostolic of Pondicherry (translated from the Tamil)* 1885.

To His Holiness the Pope Leo XIII, Vicar of Jesus Christ and Heir to the Powers of St. Peter.

We the Catholics of............in the Vicariate Apostolic of Pondicherry, prostrate at the sacred feet of Your Holiness, and craving the Apostolical blessing, dare to address to Your Holiness this our humble petition, which we have signed with our own hands.

Some weeks ago we were rejoiced to learn that Your Holiness had the intention to abolish, within a few months, the Extraordinary Jurisdiction granted by the Holy See to the Archbishop of Goa. But just at the time we were most sanguine in our expectations, the joy that was filling our hearts has been marred by the strange news that the priests of Goa were petitioning Your Holiness that all the Catholics of India and their churches should be subjected to their jurisdiction.

We, the poor children of Your Holiness, do hereby beseech You to have the kindness to hear what we have to say under that head. Since our Lord Jesus Christ has redeemed us with His Precious Blood and has placed us under the paternal sway of Your Holiness, we feel certain Your Holiness will take our interest into the hands of Your Holiness, to help us in the right path and to strengthen our weakness, until Your Holiness lands us safe on the shore of Heaven. But, if your Holiness ever commands us, Most Holy Father, to submit to the Goanese jurisdiction, it is certain we will have to incur many kinds of dangers, woes and miseries; for what occurred in the past, shews what we have to fear for the future.

Indeed before the Apostolic Vicars and their European Missionaries came to India, this vast country had only a few Goanese priests to minister to the wants of the Faithful. In that time, many Catholics, without ever seeing the face of their pastors, lived without confession, scarcely ever received the Holy Communion, and generally died without receiving the last sacraments. When the Priests chanced to come to a village, once in every two or three years, it was indeed a boon for such as had money to give them, but those, who were penniless, had often to suffer for it. For it is a well known fact, that among the Goanese priests many would not agree to administer even the sacraments of Baptism, Penance or Extreme Unction without asking a fee for the same. Moreover Your Holiness must know that under the administration of the Goanese priests, the villagers had usually no other churches and schools than those built at their own expense. As for Printing Presses, Orphanages, Hospitals, Alms-houses, Girl-schools, Catechumenates or other similar Institutions, we may indeed say that their very names were then unknown to our people.

To what can we liken the Indian Catholic Church of those days? It was like unto a wild and uncultivated country. As in a desert the earth, split with the heat, instead of producing umbrageous and fruit-bearing trees or useful harvests, brings forth only leafless and stunted trees, thorns and thistles, so the Christians in those days, instead of briging forth fruits of virtue, lived like the Gentiles who know not God. And as cattle which graze in the desert, for want of good pasture and fresh water, become more and more emaciated until their bones come through their skins, so were the Christians under the Goanese priests. They were writhing under the torture of spiritual famine, and their hearts were bleeding. And this was not all. As sheep without a shepherd are exposed to the incursion of wolves, which carry some of them away into the depths of the forest to devour them; so many Christians, bereft of pastors, became an easy prey to the rapacity of heathens and heretics, and turning apostates, they lost for ever the blessing of the true religion and the eternal happiness of heaven.

After many long years had passed in this pitiful state, through the mercy of Almighty God, India was at last blessed with the arrival of the Apostolic Vicars and the Apostolic Priests sent by the Holy See. Unlike their predecessors they came thirsting for nothing but the good of souls. What did the Goanese priests do then? Being the creatures of the Portuguese King, they thought it better to obey him rather than submit to the orders of the Vicar of Jesus Christ. And more than this, hardened with pride, they contrived to pervert the minds of their flock and carried many of their Christians down with themselves into the abuse of Schism. Oh the pity of it! When the shepherd himself turns into a wolf, what is to become of the sheep?

After thus showing Your Holiness the evils of those times and some of them which arose through the agency of the Goanese priests, we propose now to contrast the good work done in India by the Apostolic Vicars and their Missionaries. As the husbandman, who, in the sweat of his brow, tills the ground and waters it regardless of fatigue, until he reaps a good harvest; so the Apostolic Missionaries no sooner had reached India, than putting their hands to the plough, they spared neither time, nor pain, nor money, to carry out the good they had proposed themselves to do. Thanks to their efforts, nowadays, wherever we look, we see fine churches, charity-schools, and other useful institutions. The number of the Christian congregations increases in proportion as the number of priests increases. They are now ten times as numerous as they were fifty years ago, so that it is very easy now for the Faithful regularly to make their confession, to receive the Eucharist and the other Sacraments. At the present day scarcely any body dies without receiving the last sacraments. Besides, many of our boys are being instructed in seminaries and other colleges, thus becoming qualified for many employments. Even our girls, who formerly remained plunged in the darkness of ignorance, are now receiving secular and religious instruction at the hands of devoted nuns of our own blood. We may therefore now say that, thanks to the endeavours of our Missionaries, all the wants of our souls are satisfied; nay, even our bodily wants are also attended to. And here we cannot forbear mentioning that during the dreadful famine, which raged in India some years ago, the Missionaries did not abandon us, but spent much money to save our lives.

Most Holy Father, in the present day by the exertions of the Apostolic Priests, the

Catholic Church in India has become like a fertile garden, delightful to behold. But we beg permission to state, were Your Holiness to place us again under the sway of the Goanese priests, our congregations now full of life, of piety, of religious regularity and discipline, would soon again become like to the desert of former days. The flowers of virtue would fade, and the spiritual harvest raised with such labour would wither away. There is no doubt of this. Moreover, how could we ever again place any confidence in those priests, who formerly refused to submit to the Pope, Whose voice is the voice of the High Priest Jesus? Does not our Redeemer Himself say in the gospel, "He that will not hear the Church, let him be to thee as the heathen and the publican"?

Besides, for more than a century we have been under the government of the illustrious English nation. To that Government we are indebted for our worldly happiness. It affords us religious liberty and impartial protection. How could we ever be so ungrateful as to annoy that Government by obeying priests who are nothing but tools in the hands of a Foreign Sovereign? Would we not forfeit at once the confidence of our English masters? But even supposing they did not take umbrage at our so doing, yet such behaviour would be quite unbecoming in us.

Such being the case, Most Holy Father, we dare to implore Your Holiness never to place us again under the authority of the Goanese priests; but on the contrary, we beseech Your Holiness to deliver India from their yoke, by abolishing altogether their Extraordinary Jurisdiction. Indeed, it is by no means proper to have two weights and two measures in the same country; to see in one place a discipline quite different from that which is in force in another. Lastly, Your Holiness must be aware that many souls are put in danger on account of the few Goanese priests living in the midst of us. The reason is easy to find. When a country is flooded, all serpents and other noxious creatures take their refuge in such patches of ground as are out of reach of water. So it is nowadays in India. Those among us, who are wicked and intractable, escape the lawful punishment of the Missionaries by going over to the Goanese jurisdiction to the detriment of religious discipline and morality.

In conclusion, Most Holy Father, we confidently expect Your Holiness will make away with all those disorders, and consequently abolish for ever the Extraordinary Jurisdiction of the Goanese priests and the Royal Patronage of Portugal in British India. In the hope Your Holiness will grant our petition, we beg to kiss Your sacred feet and we crave Your Apostolical Blessing.

We remain with the most profound respect, of Your Holiness the most humble and obedient sons.

(B) *Petition of the Catholics of Madras, August,* 1885.

To His Holiness Pope Leo XIII, Vicar of Jesus Christ and Supreme Pontiff of the Universal Church.

May it please Your Holiness,—We, the undersigned Catholics of the Vicariate Apostolic of Madras, prostrate in spirit at Your sacred feet, humbly crave Your Apostolic Benediction and beg to offer to Your Holiness this our humble petition in reference to the great, and to

us all-important, question, the continuance or extinction of the Portuguese claim to the right of Patronage over the Catholic Church in British India.

That this right, if ever possessed in strict accordance with the Canon Laws of the Church, has long since ceased to exist, there is, Most Holy Father, but little reason to doubt. It is well known to You, Most Holy Father, as it was to Your Venerable Predecessors, that for centuries Portugal was never able to fulfil the obligations of a Patron, or supply the spiritual wants of the Christians scattered throughout British India; that their pretended claims have been, and are still, a great drawback to the progress of religion in this portion of Christ's vineyard, and that the vast majority of Your Holiness' devout subjects most ardently desire to see, once and for all, the Catholic Church in India entirely freed in spiritual matters, as it is in temporalities, from any interference whatsoever on the part of the Crown of Portugal.

When we look to the present condition of the Church in India and compare it with what it was fifty years ago, when Vicars Apostolic were sent to save the remnant of the Faithful from heresy, or from an entire loss of faith, we have reason to give thanks to God for His merciful interposition in sending us truly good and zealous pastors, by whose zeal and energy the faith of thousands was preserved and the Catholic religion raised to its present honorable and elevated position. We are fully convinced that had the Catholic Church in India been left under the sole care of the Archbishop of Goa and the Goanese clergy for the last half century, little but the name of Catholicity would be found to-day in India. The vast strides that the Church has made during these fifty years, the number of priests and religious of both sexes that have been brought to this country, the churches and schools that have been built, and the many charitable institutions that have been erected amply testify to the good that has been effected during this period in the different Vicariates. For twenty-five years the Goanese clergy of the old school, whose exaggerated ideas of the rights of a Patron are no longer upheld, were in open rebellion and recognized the Portuguese Government, not the Vicar of Christ, as the head of the Catholic Church. Their subsequent reconciliation to the Church, though it saved many from schism and its evil effects, yet did not heal the wounds that had been inflicted, or promote the general good of the Church in India to that extent that might be expected. The want of uniformity in discipline, as well as in the rules of the Church, in one and the same Vicariate, has always had an injurious effect and served as a barrier to the progress of our holy religion.

We, Most Holy Father, desire most earnestly to see the present state of things altered, the Double Jurisdiction withdrawn, and to have all Catholics united under the Bishops appointed by the Holy See and no longer to continue this *imperium in imperio* which has been disastrous to religion in the past and will be so as long as it is allowed to continue.

We would wish to see the clergy, no matter to what nationality they belong, subject to the same superior, and all Catholics subject to the same rules and regulations, which cannot be effected until all spiritual authority is vested in one and the same spiritual ruler in each Vicariate.

There is a wide field for all in this country, where representatives of so many nations are to be found, and we feel satisfied that ample work could and would be found by the

Vicars Apostolic for every priest, no matter what his nationality, provided he were willing to work and labour for the salvation of souls.

Vouchsafe, Most Holy Father, benignly to grant the prayer of our petition and bestow upon us, Your devoted children, Your Apostolical Benediction.

[*Signed by thirteen thousand Catholics of Madras.*]

(C) *Petition of the Catholics of the Vicariate Apostolic of Mysore, 'August,'* 1885.

Most Holy Father,—Having learned that the Government of Portugal, in concert with the Government of Goa, is endeavouring to obtain from Your Holiness, in virtue of an ancient right of Patronage, the power, in spite of the Apostolic Vicariates which for many years have been regularly established, to extend its spiritual jurisdiction over the whole of India, and notably over a part of the Mysore Vicariate; and knowing that to come more surely to its end, the said Government of Portugal has not scrupled to present to Your Holiness a great number of petitions filled with signatures more or less spurious, we the undersigned, the Christians of the Mysore Vicariate, protest against the unjust pretensions of His Majesty the King of Portugal and of the Government of Goa. We entreat Your Holiness principally as to what regards our Vicariate, to keep us from the jurisdiction of Goa, which has never done anything for us and for many years has been causing trouble to the Church in India. We also entreat Your Holiness to leave us under the care of those Missionaries who converted the most part of our fathers and several of ourselves, and who have made us all that we are as Christians.

We may add that the Goanese priests, far from being able to take of the Missions under the jurisdiction of the Vicars Apostolic, are quite unfit to keep and maintain what they have; and it is a known fact that they let what their predecessors have founded go to ruin; whereas all over India, in the Missions directed by the Vicars Apostolic, there are to be seen Colleges, Schools, Farms, Orphanages, and other establishments founded for the good of the Christians committed to their care. Hoping Your Holiness will graciously accept the protestations and grant the desires of Your children, we prostrate ourselves at the feet of Your Holiness and kissing them with effusion of heart, we are happy to subscribe ourselves the most humble and submissive children of Your Holiness.

(D) *Petition of the high caste Christians of the District of Tanjore (translated from the Tamil)* 1885.

To His Holiness the Pope Leo XIII.

Most Holy Father,—It is with the deepest regret that we have learnt that once more the jurisdiction of the Goanese priests has been prolonged. All the Christians had been for such a long time prepared to see its end, that no body had the idea of addressing a petition for or against it to Your Holiness.

Now a rumour has been spread about that it is by reason of the innumerable petitions sent to Rome by the Goanese priests, that their jurisdiction, which was to cease for ever at the end of the month of May last, has been once more prolonged for four months. The Goanese priests try even to make us believe that this prolongation is the sign of a final victory of the Goanese Government over the Pope and the Vicars Apostolic.

Have petitions been sent to Rome? Who has got up these petitions? Who has signed them? No body here has any knowledge of the affair. The Christians subject to the Goanese priests know no more than we. They themselves are more astonished than any one.

Therefore we consider it our duty to protest against these false petitions, and to entreat Your Holiness to put an end to such a fatal jurisdiction, which unhappily has been so many times prolonged, for reasons unknown to us.

Is it because the Goanese priests are necessary amongst us for the greater good of religion and of souls? The contrary is the truth. For what good have they done or are doing, in the district of Tanjore in particular?

Do we see them occupied in instructing and reforming their Christians, who live almost all as pagans? Do they do anything for the pagans? Our Missionaries, besides having catechists for Christians, have others occupied with pagans exclusively; they have baptizing persons for the pagan children at the point of death; they entrust great numbers of children to be brought up in Christian families; they have catechumenates, hospitals, asylums for old catechumens and orphans, schools, convents for educating our children, &c. &c. The Goanese priests on the contrary are shut up the whole day in their houses, and they have no establishments, either for Christians or for pagans.

It is only a few months ago that our Missionary of Tanjore, after the example of more than seventy of his deceased brethren in the space of some forty years, sacrificed his life in ministering to those who were suffering from cholera. Many of them spend their family fortunes helping their Christians and in constructing churches. The Goanese priests appear to shew some sign of life only when an occasion presents itself for gathering money for their own purse. All perceive this difference between the Fathers of the Society of Jesus and the Goanese priests. Pagans, Turks, Protestants and Christians have all the same opinion about them.

The departure of the Goanese priests from Tanjore will be the day of salvation for a great number of Christians, who are subject to them and who are scattered in five different districts, of which four, namely those of Tanjore, Vallam, Pattukottai and Mannargudi are administered by the Jesuit Fathers, and the fifth, that of Tiruveyar, depends upon Pondicherry.

These poor Christians, mostly of low caste, are plunged in gross ignorance and in all sorts of vices. These people, who are now beyond the reach of the Goanese priests residing at Tanjore, will be in the hands of the five Missionaries, who will have pity on them and save their souls.

May Your Holiness, being better informed by our petitions, deliver us at length from the Goanese priests, who enjoy no good reputation among the public, and whom their Christians themselves do not respect. From that day a new era of prosperity for our Holy Religion will begin.

(E) *Petition of the Catechists of the Northern District of the Mission of Madura to His Holiness the Pope Leo XIII.* (1885).

Most Holy Father,—We the undersigned catechists of the Northern District of the mission of Madura, which is entrusted to the Fathers of the Society of Jesus, prostrate ourselves

at the feet of Your Holiness and beg to present the testimonies of our attachment to God, to the Church, and to the See of St. Peter.

The office of Catechist, which we discharge, is by the favour of God as if hereditary in our family. It is the duty of Catechists to assist Missionaries. We spend all our life-time by the side of priests, or in various places where our Christians are found. No body can certify more than ourselves the immense good done to the Mission of Madura by the Fathers of the Society from the time of their arrival here. No one can better understand the obstacles to spiritual progress than we. Such being the case, our declaration will be the result of our long experience, and will contain nothing of which we have not a perfect knowledge. Therefore Your Holiness surely may understand from our statement what contributes to the progress of our religion and what diminishes its splendour. But as we are incapable of exposing everything, we dwell only upon the principal causes.

I. We all with one mind affirm that if the Sovereign Pontiffs had not granted the spiritual jurisdiction of the Mission of Madura to the Jesuit Fathers in 1838, there would have been a thorough destruction of our religion in the country, for when the Goanese priests exercised jurisdiction in the absence of Jesuit Fathers in former times, many chiefly of the caste of *Kallar*, who had been added to the fold of Christ by the efforts of the Jesuit Fathers, again fell into paganism; and Protestants of various sects firmly established themselves at Negapatam, Tanjore, Trichinopoly and other places and perverted many Catholic families.

II. We affirm that it required all the zeal, courage, patience, abnegation, science and spirit of sacrifice of the Jesuit Fathers to reform the old Christians, plunged in utter ignorance of the principles of religion, in immorality and in pagan superstitions, and to transform the Mission of Madura into an excellent Catholic region.

III. Although pagans and protestants have tried all their energy to create difficulties, the numerous splendid churches, convents, orphanages, colleges, schools and hospitals erected by the constant efforts of the Jesuit Fathers are objects of admiration to all.

IV. We affirm that no body can properly understand the painful condition under which the Jesuit Fathers and we suffer during thirty years owing to the Double Jurisdiction existing here. For :—

(*a*) While our priests and we, after their example, constantly stimulate our Christians to observe the commandments of God and of the Church, the Goanese priests profit by every bad occasion to patronize indiscipline and revolt.

(*b*) While our priests strongly prohibit pagan ceremonies in marriages, they pass over these ceremonies as innocent or affect not to know the order of the Sovereign Pontiffs. Thus while marriages take place between Christians of different jurisdictions, the souls, till then carefully cherished by us, are perverted.

(*c*) While our Missionaries do not allow marriage under the canonical age, the Goanese priests, receiving money, permit clandestine marriage. Hence the spiritual ruin of the married and a scandal to the Catholics.

(*d*) While our Missionaries do not listen to those, who, without good reasons, ask for marriage with an impediment of the first degree of consanguinity, the Goanese priests, though

they acknowledge that they have not such power, bless such a marriage, or permit it to be done clandestinely.

(*e*) While our priests, according to the order of the Sovereign Pontiffs, refuse the sacraments to those that by contract do services to the devil, the Goanese priests say that there is no sin in doing so for mere livelihood, and that the "Propagandists" are unjust, and admit those people to communion. Therefore our priests find it impossible to save the souls of Pariahs.

(*f*) While our Missionaries do not allow second marriages, owing to the want of sufficient proofs of the death of the first wife or husband, the Goanese priests have no difficulty to permit them.

The above-mentioned great faults are very well known chiefly in the districts of Trichinopoly, Tanjore and Vallam.

(*g*) While the Right Rev. Dr. Canoz passed an interdict upon the church of a Pariah of Manganore in the district of Vallam, because for love of speculation he practised many pagan ceremonies and listened to no advice, the Goanese priests profiting by this occasion and getting a yearly sum of Rs. 30 from that Pariah go to that church as often as he desires.

(*h*) When for their many faults against the authority of our Bishop, we want to know the reasons either by the letters of our Fathers or by our personal visit, they do not care about our testimonies and never confess that they are in the wrong.

(*i*) The general reason for such a disorderly conduct of the Goanese priests is this, that they speak highly of themselves, saying that the Bishops and Missionaries sent by the Popes have no real authority, and that they possess all powers, since they are here from an ancient time.

V. We all affirm that the conduct of the Goanese priests has been hitherto generally scandalous. As in the preceding number we have enumerated their undeniable faults, we suppose there are sufficient proofs of their misconduct, and therefore it appears superfluous to speak of the bad conduct of the Goanese priests at Aoor, Trichinopoly, Tanjore, Negapatam and Velangany. If we were to begin, we would have to mention many of their shameful deeds, manifest to all. We will say only a few words about the want of faith, negligence, and love of money observable in the management of their Christians and celebration of feasts :—

(*a*) Do the Goanese priests instruct their faithful ? Do they preach ? Do they expose the duties of Christians ? Till now we have not remarked them doing so.

(*b*) Do they make catechism to children and to persons ignorant of the principles of religion ? They have no such custom.

(*c*) Do they once at least in the year hear the confessions of children at the age of reason, and prepare them for first communion in due time ? Generally till the time of marriage this point is altogether neglected.

(*d*) Do they make efforts to excite devotion in their Christians ? Rosaries, scapulars, medals, crucifixes, religious pictures, spiritual books, Ways of the Cross, and congregations seem to be things unknown to them.

(*e*) Do they make use of screens when they confess women ? It is their custom to hear the confessions of married women, girls, and others without screens and face to face.

(*f*) Do they sincerely examine the impediments of consanguinity in marriages? While in India there are frequently multiple impediments in marriages; the Goanese priests pay attention to the nearest degree only, neglecting the rest as superfluous.

(*g*) It is the custom in this country that any one baptizes a child as soon as it is born in villages where the priest is not found. While our Missionaries baptize conditionally such children according to a direction from Rome, since very often it is doubtful whether the baptism has been duly given or not, the Goanese priests never baptize them conditionally, being ignorant that this could be done and blame the practice of our missionaries. A certain priest of Tanjore named St. Anna D'Andrade, who is still here, declared last year to the Missionary of Vallam that it is so among them.

(*h*) Are the Goanese Christians confirmed? From the time of their arrival, except only a very few, the great mass has not been confirmed in the Madura Mission.

(*i*) We will mention only a particular instance about Extreme Unction. Many a time when our Missionaries adminstered Extreme Unction to certain Christians, some Goanese priests of Tanjore and Trichinopoly to the great scandal of the public administered it to the same Christians and on the very same day under the pretext those Christians belonged to them.

(*j*) Do the Goanese priests correct the faults and bad conduct of their people? Or do they at least try to do so? Far from it. It is owing to such an indulgence that many faithless and ignorant persons in former times, instead of joining the Vicar Apostolic Dr. Canoz remained on their side. It is for the very same reason that even nowadays insubordinate Christians, to avoid the punishment of our Fathers, take refuge under them.

(*k*) Is there any spiritual advantage to souls from many feasts celebrated by the Goanese priests of Velangany, Tanjore, Aoor, Trichinopoly, Maleyadipatty, Negapatam and other places? We learn by a continual tradition with what faith, piety and spiritual fruits the feasts were celebrated at the time of the founders of these churches and how many pagans were converted. But nowadays every one knows that there is no spiritual advantage to be derived from the feasts conducted by the Goanese priests, and that they may be likened to noisy markets and vain spectacles, since pagans, Christians, Turks and Protestants are mingled together, laugh, talk, eat, drink, dance, carry on merchandise, and the priests themselves aim at pecuniary income.

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(F) *Petition of the Catholics of Tanjore, Mannargudi, and Negapatam* (*Nov.* 1886.)

To His Holiness Pope Leo XIII.

Most Holy Father,—Apprised of Your Holiness' intention of issuing a Bull recalling our well-beloved Pastors, the Fathers of the Society of Jesus from Tanjore, Mannargudi, and Negapatam, three of the most important towns in the Madura Mission under the Vicariate of Trichinopoly, and giving up the said towns to the jurisdiction of the Goanese Priests, who profess to owe allegiance to the Holy See only through the King of Portugal, we the undersigned Catholic residents of the towns aforesaid, with all the deference and filial affection we owe to the Holy See, do hereby most humbly beg to lay at Your Holiness' feet our grievances and sorrows in connection with the Goanese jurisdiction.

2. The news of Your Holiness' intended decision to transfer the said towns to be administered by the Goanese Priests has fallen like a clap of thunder upon us, and we were all so taken by surprise that we did not know what to do. But seeing that Your Holiness' Bull has not yet been issued, we took heart and roused ourselves from the sort of apathy into which the sudden news had thrown us, to make this public appeal, confidently hoping and earnestly praying that Your Holiness will, in the final disposal of the question, be graciously pleased to give due weight and consideration to the really pitiable situation and deplorable condition to which we are likely to be reduced under the administration of the Goanese Priests. As dutiful and obedient children, we are bound and are ready, at whatever cost, to abide by Your Holiness' decision, however repugnant it may be to us. But at the same time, Holy Father, is it not also our duty to lay our sorrows at Your Holiness' feet praying for such relief as your paternal affection for your dutiful children may prompt Your Holiness to grant. It is in this hope and under such title that we venture to address Your Holiness.

3. We beg, in the first place, to bring to Your Holiness' notice that we are British subjects, and as such, we know of no loyalty or allegiance due by us to any earthly sovereign except to Her Majesty of England and Empress of India in all temporal matters and to Your Holiness in all spiritual concerns. While so, under what right does the King of Portugal come forward to appoint or nominate Pastors over us, here in British India? We are therefore determined, Holy Father, to raise this *political* question before the Parliament of England, and to try the question of His Majesty of Portugal's right to interfere with the internal administration of the dominion of Her Majesty of England, protected, as we are, by the English Government in the free exercise of our Holy Faith. If the King of Portugal did possess or was granted any privilege in the *far past,* it is evident he does not possess it at the existing present within British India, having lost the privilege by his inability to conform to the conditions prescribing the privilege, or by the change of the circumstances and times *under which* the privilege was granted.

4. Secondly, we beg to represent to Your Holiness the great danger there is for several of us falling off the Catholic Church under the administration of the Goanese Priests and becoming either Protestants or Pagans. Your Holiness is aware of, and Your Holiness and predecessors have, in the constant Encyclicals issued from the Holy See, always most strongly inculcated the principle which ought to actuate, and the life which ought to be led by a Catholic Priest. What of all this have we to expect from the Goanese Priest? The life he leads is no doubt one of celibacy, but the principle that actuates him,—at least the best number of them,—is money-making. What is done with the money they are at so much pains to accumulate? Does it go to feed the poor or help the needy? Does it go to clothe the naked, or adorn their altars or churches? Not one of all these is ever thought of. Month after month, the money goes to enrich their relations at Goa, or to lay by there until the Priest retires to enjoy it. Unencumbered with the cares of the married state, and caring very little for the duties of their own state, they lead a very jovial and free life, the care of the salvation of souls entrusted to their charge being left to shift for itself. They even allow such latitude to their laity as to be entirely controlled and led by them in their public and private functions

as Priests. Their manners are anything but pleasing. Some of us, therefore, have made up our minds to go any distance rather than attend *their* Churches. How long, Holy Father, is this state of mind to last in us? Deprived of our faithful guides and left to our own unaided endeavours and surrounded by terrible temptations, we are very soon likely to fall into frightful indifference, if not into total defection. As to the private life of the Goanese Priest in Southern India, we beg to be excused from entering too deeply into it, as too great a scrutiny of it is likely to put us, laymen, to the shame. Let us now contemplate a little the character and life of the Pastors, the Fathers of the Society of Jesus, who have had charge of us for so many years. Ascetics and contemplatives in their interior life, their very rules forbid them from leading any but a holy life. They are perfect models of charity. Generous, affable and kind, they are ever ready to do their duty at whatever cost. Their foremost care is the salvation of souls. In almost all their parishes, they have established Convents for men and women, and houses for the poor and sickly. How many congregations, how many devotional societies for the promotion of piety, purity of life and ultimate salvation of souls for both sexes! Now we ask, Holy Father, whether the best of the Goanese Priests in these parts—of other places we know nothing, although charitably we hope for the best—has done one-millionth of what the least of the Fathers of the Society of Jesus has done for us?

5. Thirdly, Your Holiness can see the ultimate danger we become subject to for our *very* salvation under the administration of the Goanese Priests.

6. Finally, Holy Father, under these circumstances, we earnestly pray and confidently hope Your Holiness will be graciously pleased to grant us our prayer by giving us our beloved Pastors of the Society of Jesus. Allow us, Holy Father, the consolation of breathing our last breath in their revered arms. And Oh! Holy Father, deprive us not of our chance of salvation by depriving us of their administration, of which we have felt the benefit for the past fifty years.

We beg to remain,

Most Holy Father,

Your Holiness' most devoted Sons,

[Here follow the signatures.]

Note.—The above petition signed by 55 persons in English and by 361 in Tamil was submitted to His Holiness the Pope Leo XIII. about November, 1886, *i.e.*, as soon as the provisions of the Concordat of 23rd June 1886 were made known in India.

APPENDIX VIII.

Petition of the Catholics of Madras against the restoration of the Double Jurisdiction (1887).

To

His Holiness Pope Leo XIII.

May it Please Your Holiness,—

That your petitioners desire to be allowed to convey to Your Holiness their heartfelt gratitude and thanks that Madras has been raised to the important dignity of an Archdiocese.

2. That your petitioners are however much concerned about, and grieved at the circumstance that five churches hitherto belonging to the Goanese Jurisdiction, and which churches were duly made over to the Archdiocese, in obedience to the Decree of the 19th January 1887 of the Delegate Apostolic, Monsigneur Agliardi, Your Holiness' esteemed and respected Delegate, were again restored to the jurisdiction in question.

3. Your petitioners most humbly and respectfully desire to bring to the notice of Your Holiness that throughout the whole Catholic Community of Madras there cannot be found a single Catholic who can be regarded as, or who is in reality, of true Portuguese nationality, but that, on the other hand, all are, without exception, strictly British subjects—a fact fully evidenced by the last Census returns.

4. Your petitioners most humbly and respectfully beg to add that the Goanese Priests, who had taken faculties from the Archbishop of Madras, and their congregations, had already commenced to obey and to appreciate the new order of things, as provided for by the Decree of the Papal Delegate already referred to; and that in the course of a few months, at most, there was every promise that all past differences between the two Churches would be entirely forgotten. Should the Goanese churches again be placed under control of the Goa jurisdiction, the various differences, which have been discernible in the past, must necessarily again arise.

5. Your petitioners would humbly beg to be permitted to further point out that extraneous spiritual jurisdiction being permitted in the five said churches, which are situated in the very heart of the Archdiocese of Madras, will be the cause of no small disquietude and disturbance among those whose duty it is to live in concord and union. Evil-minded people, ingenious withal, are ever ready to incite the worst passions of Christians, by pitting one jurisdiction against the other, as an experience of the past fifty years has taught us. Even Protestants are scandalized at the quarrels of Catholics, to such a degree that they go so far as to think that Catholics of one jurisdiction are quite a different sect of Christians from those who belong to another jurisdiction. This would never be the case were concurrent jurisdiction in the same localities abolished, and only one Shepherd and one Jurisdiction established in the district, from which there can be no temptation to Catholics to alienate themselves on the slightest pretext.

6. Your petitioners most humbly and respectfully pray to be allowed to express to Your Holiness their earnest desire that the arrangements actually entered upon, in obedience to the Decree of Your Holiness, which arrangements promised to result in much good for the welfare of the Catholic Church in India may be continued, and that the jurisdiction of the Portuguese Bishop may be confined to the limit originally laid down in the first Decree of the 19th January 1887.

If arrangements are so far advanced that the main prayer of our petition, the non-curtailment of the Archdiocese of Madras, cannot possibly be granted, we humbly pray Your Holiness to give us the option of electing our own jurisdiction, and that this right of election might extend to a period of two or three months as may be deemed just and equitable.

In conclusion, your petitioners most humbly pray the Almighty that Your Holiness may be long spared in health, to continue in the sacred and responsible office which Your Holiness has for so long held to the satisfaction of all true Catholics throughout the entire world.

Imploring your Holiness' Benediction upon ourselves and our families, and with the greatest respect and reverence

We beg to remain
Your Holiness' most obedient
Children in Christ.

APPENDIX IX.

Letter of H. E. the Cardinal Secretary of State to H. E. the Delegate Apostolic in the East Indies (21st December, 1888).

Your Excellency,

I understand that a small paper entitled *O Anglo-Lusitano* is being published in Bombay, the aim of which is wholly directed to encourage a party of resistance to the ordinances issued from the Holy See.

After the perusal of some of its numbers, I am in a position and in duty bound to communicate to you the sad impression felt by me, and, at the same time, the displeasure felt by His Holiness, to whom I reported the matter. For this paper, as if it had no other object in view than to keep the torch of dissension lit up between the two ecclesiastical jurisisdictions existing in India after the last Concordat, does not omit any occasion to cast gross insults against the Venerable Bishops dependent upon the Propaganda and their Missionaries: it speaks of them in the most unbecoming manner, it treats them as usurpers of others' rights, while on the contrary they enjoy the full confidence of the Supreme Pastor of the Church, and were sent to India, under His orders, to promote the good of the Faithful and the conversion of the heathen, which they had carried out in the past, aud are doing now amid universal admiration.

Moreover, as if invested with great and extraordinary authority, it thinks it lawful to discuss and most bitterly censure the Decrees and Acts of the Roman Congregations, feigning not to know, what is known to everybody else, that they are the medium through which the Holy See communicates its ordinances to the Catholic world.

And it cannot be otherwise than with the most malignant art, and with the intention to deceive simple people more easily, that after having passed such censures, it eulogises the wisdom and benignity of the Holy Father, Leo the XIII., humbly protesting to Him its deepest subjection and obedience. For the decrees published of late by the Holy See, through the medium of the Sacred Congregations of Propaganda and of Extraordinary Ecclesiastical Affairs, as is proved by their tenor, were approved and confirmed by the same Supreme Pontiff. Therefore they represent the very absolute will of the Supreme Head of the Catholic Church, to whom all, without exception, the Faithful and even the Bishops, if they will correspond to their vocation, and not separate themselves from the Apostolic communion, must submit and obey. Consequently the disobedience to such Decrees that had been declared absolute and definitive, is an act of rebellion against the authority of the Supreme Pontiff, Who sanctioned them.

Moreover the same paper does not spare any trouble to find adherents to this insane resistance to the Decrees of the Pontiff, which by it is considered lawful, and excites Catholics to rebellion by appealing to the passions of corrupt ignorant people. To this end it gave its effectual support in promoting a Meeting, which took place at Bombay in November last, which though not a respectable one on account of the class of people that took part in it, was still very deplorable in consequence of the schismatic spirit with which the leading members were animated. For every one knows that in the Catholic Church it is not per-

mitted to laymen to mix themselves in discussions regarding religious matters, and to raise protests, even in the shape of petitions, against acts emanating from the Holy See and by it declared definitive after long and careful deliberation. To pretend to instruct the Bishops and the Supreme Pontiff Himself in what they should do for the good of souls and to preserve justice; to say that the Supreme Pontiff was not well informed when He prescribed certain rules of conduct to the Faithful; to declare that the acts of the Supreme Pontiff, determining the exercise of the ecclesiastical jurisdiction, were issued without the knowledge of places and circumstances of time, and in violation of the rights of others, or that they are not binding on the consciences of the Faithful, is a crime of intolerable presumption, and manifests the plan of sowing schism in the Church.

Therefore to remove the scandal that such a publication might produce among Protestants and infidels, as though in the Catholic Church there might exist dissensions, that are opposed to the necessary subordination of the Faithful to the hierarchical power, I wish that the Ordinaries would declare that this paper *O Anglo-Lusitano* is extremely to be reproved, and that it is reproved by the Holy See, and that it does not represent, in the least, the ideas and principles which can in any way be tolerated by Catholicism, or which may be reconciled with the sentiments of the true Catholic profession.

In order that no one should be deceived by the semblance of zeal and respect towards the Supreme Pontiff, with which, abusing the simplicity and good faith of many, the *Anglo-Lusitano* carries on its work of sowing dissensions between the children of the same Church, it would be very opportune that the Bishops, in the way that they shall think most efficacious, should put the Faithful on their guard, by inculcating in them their duty of obedience to the Holy See.

Your Excellency will use this my despatch to treat on this weighty subject with every one of the Bishops in whose Diocese this paper is circulated.

I take this occasion to renew the sentiment of my profound esteem.

Your Excellency's
Most Affectionate in Christ,
M. CARDINAL RAMPOLLA.

ROME, 21*st December*, 1888.

NOTE.—The Vicar-General of the Portuguese Bishop of Damaun and the principal Goanese clergy of Bombay were present at the Meeting referred to in the above letter. The condemnation by the Holy See of the *Anglo-Lusitano* was received by the Editors of that paper with abuse and ridicule, and there has been no change in its tone up to this day.

No. 5

Au tres-honorable Marquis de Salisbury,

CHEVALIER DE LA JARRETIÈRE

SECRETAIRE D'ETAT DE SA MAJESTÉ POUR LES AFFAIRES ETRANGÈRES.

Humble Mémoire et pétition de
l'Union Catholique de Madras.

EXCELLENCE,

1. Les signataires de ce Mémoire constituent le Conseil de l'Union Catholique de Madras, association qui a été récemment fondée dans le but de représenter tous les laïcs Catholiques Romains de toute race et de toute classe résidant dans la Présidence de Madras.

2. Les Soussignés, pleinement convaincus que le Gouvernement de Sa Majesté a le désir et le pouvoir d'assurer aux Catholiques Romains dans l'Inde, la même immunité de toute ingérence civile dans les questions religieuses, dont jouissent leurs coreligionnaires dans tous les autres domaines de la Couronne Britannique, ont l'honneur d'appeler l'attention de Votre Excellence sur le Concordat, qui fut signé le 23 Juin 1886, entre le Saint Siége et le Gouvernement portugais. Par cet acte un nombre considérable * des sujets Catholiques Romains de Sa Majesté, contre leurs désirs et leurs intérêts, sont placés dans une sorte de dépendance religieuse vis-à-vis d'un souverain étranger, qui a le droit d'intervenir dans les affaires ecclésiastiques de l'Inde Anglaise.

3. L'Union Catholique de Bombay a récemment adressé une pétition sur ce sujet à Votre Excellence, et exposé en détail les principales clauses du Concordat. Les Soussignés par conséquent ne les reproduiront pas ici, mais ils veulent appeler spécialement votre attention sur les effets qu'elles entraînent par rapport à l'Eglise Catholique dans la Présidence de Madras. Ces effets sont brièvement comme suit :

(a) Deux Evêchés portugais ont été établis, l'un à San Thomé ou Mylapore (un faubourg de Madras), l'autre à Cochin. Ces Evêchés sont à la nomination de la Couronne de Portugal, et tous deux sont suffragants de l'Archevêché de Goa. Tous les bénéfices ecclésiastiques, existant ou devant être créés dans ces diocèses seront aussi à la nomination de la même Couronne.

* Le chiffre des Catholiques dans l'Inde, sans compter la Birmanie, et les possessions françaises et portugaises, est estimé à 1,133,307. Sur ce nombre 587,366 tombent sous le Patronage ecclésiastique du Portugal, tandis que d'autres sont aussi affectés par lui, grâce au système de "double juridiction", exposé dans les paragraphes 3 et 8.

(*b*) Le Roi de Portugal est aussi investi du droit de choisir des Évêques pour les Siéges de Mangalore, Quilon et Trichinopoly (autrefois Maduré), quand ils sont vacants, dans une liste de trois noms, qui lui sont présentés par les autres Evêques de la province ecclésiastique dans laquelle se trouve le Siége vacant.

(*c*) Les Evêchés de Mylapore, Mangalore et Trichinopoly sont entièrement sur le territoire anglais, les Evêchés de Quilon, et de Cochin, en partie sur le territoire anglais, en partie dans des Etats indigènes. Comme le nombre de Catholiques dans ces diocèses est considérable, si on les compare avec d'autres, il s'ensuit qu' un grand nombre de sujets britanniques de cette religion (y compris les troupes Européennes anglaises à St. Thomas' Mount) sont placés *sous la dépendance du Roi de Portugal.*

(*d*) De plus, l'Evêque de Mylapore, élu et salarié par le Gouvernement portugais, reçoit hors des limites de son Diocèse une juridiction spéciale sur des églises et des communautés isolées situées dans le Bas Bengale dans les diocèses de Calcutta et de Dacca, dans la Cité de Madras, et dans les districts de Tanjore, Maduré, Trichinopoly et Tinnevelly, lesquels Districts sont dans le Diocèse de Trichinopoly. Cet arrangement constitue ce qui est connu sous le nom de " Double juridiction," à laquelle il sera fait allusion dans le cours de ce Mémoire.

4. Les signataires de ce Mémoire se permettent de faire remarquer à Votre Excellence que tous ces arrangements ont été imposés de force au Saint Siége par le Gouvernement portugais, sans le moindre égard, et même presque avec mépris, pour le Gouvernement de Sa Majesté la Reine, et pour les intérêts et les vœux des peuples que le Gouvernement portugais a réussi à réduire en une sorte de dépendance religieuse. Les sentiments du Saint Siége sont bien connus, et dans les négotiations qui précédèrent le Concordat, il fit son possible pour restreindre les demandes excessives du Gouvernement portugais, qui naguère encore en 1884 affirmait son prétendu droit d'exercer un contrôle, sous le couvert de "Patronage" sur l'Inde entière, Ceylon et les Etablissements du Détroit de Singapore. Comme preuve des assertions contenues dans ce paragraphe, les Soussignés ont l'honneur d'appeler l'attention de Votre Excellence sur les documents publiés par le Gouvernement portugais en 1887 ; dans un *Livre Blanc** relatif au susdit Concordat. Les Soussignés osent aussi exprimer leur opinion, qu'en s'efforçant, dans l'intérêt de la religion, de limiter les prétentions du Gouvernement portugais, l'action du Saint Siége avait pour effet de favoriser les intérêts du Gouvernement

*1 *Documentos apresentados as Cortes. Negociações com a Santa Sé. Primeira parte: Negociação para a execução da Concordata de 21 de Fevereiro de 1857. Segunda parte: Negociação da Concordata de 23 de Junho sobre o Padroado da Coroa Portuguez na India.* Lisboa, Imprensa National, 1887.

de Sa Majesté la Reine, qui désire le bienêtre social et moral de ses sujets Catholiques Romains, et ne saurait rester complétement indifférente aux fréquents désordres causés par les prétentions du Gouvernement portugais, et aux embarras qui en découlent pour les autorités civiles. Mais le Saint Siége, n'étant pas appuyé par le Gouvernement britannique, qui seul a le droit d'intervenir dans la matière, s'est vu forcé de céder aux demandes du Portugal. Les Soussignés représentent humblement que si leur propre Gouvernement, guidé par le principe de non-intervention dans les questions religieuses, tolère que les Chrétiens de l'Inde, en ces matières, soient contre leur gré placés sous le contrôle d'un Etat étranger, ils ont le droit de se plaindre que leur liberté religieuse n'est pas protégée comme ils devraient s'y attendre.

5. En qualité de Catholiques Romains, les signataires de ce Mémoire sont tenus de se soumettre loyalement aux arrangements sanctionnés par le Saint Siége, et jusqu'ici il se sont abstenus de faire appel au Gouvernement de Sa Majesté la Reine, soit parce qu'ils n'avaient aucune association laïque pour les représenter, soit parce qu'ils remettaient leurs intérêts aux mains des Evêques, qu'on savait avoir présenté des observations sur la question au Gouvernement britannique. Les Soussignés étaient aussi portés à croire que le Saint Siége réussirait à abolir le "Patronage" portugais ou "Padroado" dans l'Inde anglaise ou à le réduire au minimum ; et se rappelant qu'un Concordat antérieur (21 Février 1857) était demeuré sans effet, surtout parce que le Gouvernement de Sa Majesté la Reine avait refusé de le reconnaître, ils étaient loin de s'attendre au Concordat actuel, qui perpétue le "Patronage" d 'un Roi étranger sur des possessions anglaises.

6. Les Soussignés désirent rappeler ici à Votre Excellence un Mémoire qui fut adressé, le 15 Août 1883, au Secrétaire d'Etat pour l Inde, par les Evêques de la Présidence de Madras. Dans ce document, qui est reproduit ci-après à l'appendice **A**, les Evêques priaient le Gouvernement de Sa Majesté de prendre des mesures pour faire abandonner au Roi de Portugal sa prétention au droit de "Patronage" sur l'Inde anglaise. Ils y joignirent des exemples (choisis parmi des cas innombrables) des crimes et des désordres qui pendant cinquante ans, avaient été le résultat du droit en question.

7. Les Soussignés rappellent aussi à Votre Excellence les représentations que lui adressèrent les Catholiques natifs de Tanjore, Mannargudi et Negapatam ; lesquels, si le Concordat de 1886 est mis à exécution, seront contre leur gré transférés à la juridiction du "Padroado." Ces représentations simples et sincères se trouvent ci-après à l Appendice **B**.

8. Il a été fait allusion plus haut à la " Double juridiction " perpétuée par le Concordat. Ce système extraordinaire qui n'existe nulle part ailleurs dans le monde, excepté dans l'Inde et dans les Etablissements du Détroit de Singapore (Straits Settlements), et est inconnu dans les annales ecclésiastiques, fut sanc tionné pour la première fois par Sa Sainteté le Pape Pie IX, comme une mesure simplement provisoire, en attendant l'exécution du Concordat de 1857. Il a continué à exister jusqu'à ce jour, et il est maintenant perpétué par le Concordat de 1886, malgré le désir que l'illustre Pontife actuellement régnant, son auguste prédécesseur, les Evêques et les laïcs de l'Inde, ont eu de le voir abolir. La conséquence de ce système est que dans un seul et même endroit,—et ils sont nombreux, comme par exemple dans les trois villes principales de cette Présidence et dans une foule d'autres localités moins importantes,—il y a deux juridictions Catholiques Romaines, indépendantes l'une de l'autre, celle des Evêques du " Padroado " portugais, et celle des Evêques nommés directement par le Saint Siége, comme les Evêques de la Grande Bretagne et d'Irlande, dépendant de la Sacrée Congrégation de la Propagande. Les Soussignés veulent rappeler ici les termes mêmes de la pétition adressée par les Evêques de la Présidence de Madras au Gouvernement de Sa Majesté, le 15 Août 1883 (voir Appendice **A**).

" La condition à laquelle l'Eglise catholique est réduite dans l'Inde par le " fait de cette Double juridiction, est une source de vif regret pour tous ceux qui " ont à cœur le progrès du Christianisme, et qui désirent voir la charité et la paix " régner non seulement entre chrétiens en général, mais encore dans les familles " chrétiennes. C'est une cause perpétuelle de dispute entre les prêtres et leurs " ouailles, spécialement à l'occasion des mariages, quand il est difficile de déter- " miner à quelle juridiction appartiennent les parties ; car il arrive parfois que les " membres d'une même famille appartiennent à des juridictions différentes."

Les signataires de ce Mémoire peuvent ajouter que, sans parler des désordres dont cette double juridiction est la source, et des embarras qu'elle donne au Gouvernement britannique en matière d'aumôneries, de cimetières, etc., il est impossible, même en supposant les meilleures intentions aux Evêques du " Padroado " d'éviter la plus fâcheuse confusion, et actuellement il est souvent difficile pour un laïc de savoir à quelle juridiction il appartient, d' où il suit que parfois la validité des mariages est mise en question. Dans le cas où des mariages avaient été célébrés à tort par les prêtres d'une juridiction, les cérémonies ont dû être répétées par les prêtres de l'autre juridiction, en vue d'en assurer la validité.

9. Les Soussignés n'ont pas l'intention de refaire l'histoire du " Padroado " dans l'Inde anglaise, de parler des événements qui ont amené ce regrettable état

de choses, ni de rappeler à Votre Excellence les documents dans lesquels étaient exprimés les sentiments du Gouvernement britannique vis à vis du Patronage portugais. Ces matières ont été suffisamment mises en lumière dans le Mémoire de l'Union Catholique de Bombay, mentionné plus haut, et dans le volumineux Mémorandum sur le sujet, adjoint à ce Mémoire, à l'Appendice **C**. Le Mémoire de l'Union Catholique de Bombay et le susdit Mémorandum, qui fut rédigé environ trois ans avant le Concordat de 1886, ont traité d'une manière particulière aux affaires de la Présidence de Bombay ; les Soussignés désirent donc les compléter ici, par un renvoi à deux lettres, dont l'une représente les sentiments du Gouvernement de l'Inde en 1835, l'autre ceux de l'Honorable Compagnie des Indes Orientales (East India Company) en 1839. Ces lettres sont reproduites aux Appendices **D** et **E**, et Votre Excellence remarquera que, le 26 Janvier 1835, le Gouverneur-Général en Conseil, non seulement reconnut l'autorité du très Révérend Père St. Leger, le premier Vicaire Apostolique du Bengale, à l'exclusion des prétentions de l'ecclésiastique qui représentait le "Padroado" portugais, mais encore déclara qu'il ne pouvait "*reconnaître aucune autorité dans le Chef de la nation portugaise pour régler aucune matière spirituelle ou temporelle dans les limites du territoire britannique.*" Dans la seconde lettre on verra que le 10 Juillet 1839, l'honorable Cour des Directeurs reconnut formellement les droits de Sa Grandeur Monseigneur O'Connor, comme Chef de l'Eglise catholique Romaine de Madras, et refusa d'admettre ceux des représentants du "Padroado" Les Soussignés prennent la liberté de faire observer que ces deux lettres ont un intérêt et une portée toute spéciale dans le cas présent, si l'on considère leurs dates et les circonstances dans lesquelles elles furent écrites. Avant l'arrivée du Père St. Leger à Calcutta et de Mgr. O'Connor à Madras, le Gouvernement suprême avait toléré le "Patronage" portugais comme étant la seule juridiction Catholique existant dans ces parages: mais dès qu'ils arrivèrent, il cessa de reconnaître cette juridiction et rejeta le droit réclamé par la Couronne de Portugal d'exercer un Patronage ecclésiastique sur le territoire anglais : ce droit prétendu neanmoins la même Couronne a continué de le maintenir jusqu'à ce jour, sans égard pour les droits du pouvoir souverain.

10. Dans le Mémoire de l'Union Catholique de Bombay il a été fait allusion au Marriage Treaty de 1661, sur lequel, en ce qui regarde Bombay, les Souverains du Portugal ont souvent basé leurs prétentions de Patronage. Quoique le Gouvernement anglais n'ait jamais admis l'interprétation donnée à cet acte par le Gouvernement portugais, il n'est pas hors de propos de faire remarquer que dans la Présidence de Madras le Gouvernement portugais n'a ni Traité ni convention d'aucune sorte pour fonder ses réclamations. Cependant il ne manque

pas de les faire valoir avec la même assurance qu'à Bombay, méconnaissant les vœux des peuples qui sont intéressés dans la question, et traitant leur Gouvernement comme s'il n'existait pas. Les Soussignés observent respectueusement que dans aucun autre Domaine de la Couronne britannique, le Gouvernement anglais ne laisse traiter ses sujets Catholiques de cette façon, et ne tolère qu'ils soient le malheureux objet d'une sorte de marché fait par un Roi étranger, auquel ils ne doivent rien et dont ils ne recherchent ni ne désirent la protection.

11. De plus, les Soussignés affirment qu'aucun Gouvernement dans le monde, excepté le Gouvernement anglais, ne tolère le Patronage d'un pouvoir temporel étranger dans les limites de son territoire ; car il est évident qu'une semblable tolérance est non seulement attentatoire à la dignité de la nation mais encore peut à tout moment devenir une source de complications et de dangers politiques. La Couronne britannique elle-même ne tolère un tel Patronage, nulle part ailleurs dans ses Etats, mais seulement aux Indes Orientales. Au Canada, le Gouvernement de Sa Majesté, de propos délibéré et dans un but de sécurité mit fin au Patronage ecclésiastique de la France, dès que ce pays devint possession anglaise. * De même à Malte le Patronage ecclésiastique du Roi de Sicile cessa au début de la domination anglaise. Le Portugal lui-même a dû abandonner son Patronage dans des contrées qui lui furent autrefois soumises, comme par exemple au Brésil. Et ici dans l'Inde, le Gouvernement français mit une borne au patronage ecclésiastique que le Gouvernement portugais tenta d'exercer à Pondichéry et dans les autres possessions françaises. Même le Gouvernement de Sa Majesté coopéra avec le Saint Siége à l'abolition du "Padroado" à Ceylan, in 1836. Iln'appartient pas aux signataires de ce Mémoire d'indiquer les objections politiques auxquelles peut donner lieu l'exercice d'un Patronage étranger sur le territoire britannique, mais il suffit de dire que les hommes d'Etat portugais, la Presse et les Prélats portugais ont constamment revendiqué et revendiquent encore le maintien du "Padroado" pour des raisons politiques, et comme l'unique moyen pratique et peu coûteux, maintenant en leur pouvoir, de conserver l'influence portugaise dans les Indes Orientales. Les Soussignés regrettent d'avoir à dire que les sentiments des sujets britanniques ont été traités avec indifférence par le Gouvernement portugais, lequel, pour ainsi dire, a spéculé sur le silence des catholiques dans l'Inde et sur leur soumission aux ordres du Pape, pour les représenter faussement au Saint Siége et au Gouvernement de Sa Majesté, comme les partisans du "Padroado," et absolument comme avant le Concordat de 1857, il a soutenu auprès du Saint Siége que le Gouvernement britannique se désintéressoit absolument de cette question.

* Voir *le Rapport du Comité choisi nommé pour rechercher la nature et la substance des lois et ordonnances existant dans les Etats étrangers, en ce qui regarde le Gourvernement de leurs sujets catholiques, etc. etc.*, imprimé par ordre de la chambre des communes le 25 juin 1816, et réimprimé le 14 Février 1851, pp. 43 et 300.

12. Mais les Soussignés ne seront jamais satisfaits avec le "Padroado," et leur opposition n'est pas purement sentimentale et patriotique. Sans parler des objections tirées de l'ordre civil et politique, ils lui sont surtout hostiles pour des motifs d'ordre religieux. Ils laissent à Votre Excellence le soin de juger des difficultés d'ordre politique: les difficultés d'ordre administratif ont été suffisamment indiquées dans le Mémoire des Evêques, qui est reproduit à l'Appendice **A**. Leurs sentiments en ce qui regarde le côté religieux et ecclésiastique de la question seront mis en lumière dans une humble pétition qu'ils sont sur le point d'envoyer à Sa Sainteté le Pape. Ils peuvent cependant ici même ajouter quelques remarques relatives à leurs griefs religieux contre le "Padroado" tel qu'il s'exerce à présent.

13. C'est à leur avis un abus intolérable qu'un Pouvoir temporel étranger puisse avoir le droit de suffrage dans le choix de leurs Evêques, et que les Rois de Portugal puissent à l'occasion imposer au Saint Siége des sujets indignes, tels que le défunt Archevêque da Silva Torres (1844-48), qui fut en grande partie responsable des troubles et des crimes détaillés dans l'Appendice **A**. Bien que ce prélat ait été à la fin éloigné en disgrâce, les fruits de son funeste passage aux Indes subsistent jusqu'à ce jour. Votre Excellence a réussi dernièrement à négocier avec le Saint Siège que les Evêques de Malte seraient toujours des sujets agréables au peuple Maltais : les Soussignés espèrent que dans l'Inde aussi, le Gouvernement britannique empêchera les élus d'un Roi étranger de leur être imposés contre leur gré.

14. Un autre abus intolérable est que, sous le "Padroado," les rapports des Catholiques anglais avec le Saint Siége sont entravés par l'ingérence d'un pouvoir étranger. Dans les autres possessions britanniques, les communications entre Sa Sainteté le Pape d'une part, et de l'autre les Evêques et le peuple, sont libres de toute contrainte, et le Souverain Pontife peut, sans la moindre ingérence du Gouvernement de Sa Majesté, expédier les ordres que réclame le bon gouvernement de l'Eglise. Mais ici, dans l'Inde anglaise, dans les quatre Diocèses du "Padroado," aucun document Pontifical ne peut être publié sans l'approbation préalable du Roi de Portugal. C'est là une état dégradant de servitude dont les Catholiques Romains de l'Inde attendent d'être délivrés heureusement par le Gouvernement de Sa Majesté. Si le Gouvernement de Sa Majesté, le seul qui puisse être intéressé dans la question, ne croit pas devoir intervenir entre le Saint Siége et les Evêques dans toute l'étendue de son vaste empire, il est assurément monstrueux qu'un Souverain étranger puisse s'arroger un tel pouvoir sur le territoire anglais, et cela en opposition avec la conscience des personnes que ces ordres concernent. Les ordres du Gouvernement portugais relativement à ce "Placet" royal ont été renouvelés et appliqués de temps en temps à l'Inde anglaise

avec la dernière effronterie et avec une indifférence cynique pour les sentiments des Catholiques britanniques. Un mémorable cas de ce genre est le document reproduit à l'Appendice **F**, que le Gouvernement portugais adressa le 8 août 1863, à l'Archevêque de Goa. En parcourant ce document Votre Excellence remarquera que le Gouvernement portugais non seulement défend à l'Archevêque de Goa, d'exécuter dans son Diocèse (lequel est en grande partie territoire anglais), sans avoir préalablement obtenu la permission du Roi, aucune "Bulle, Bref, Rescrit ou Ordre Apostolique, de quelque nature et dénomination que ce soit, expédiés au nom du Saint Siége, des Nonces ou autres Délégués Apostoliques," mais encore qu'il applique cet ordre dans les termes les plus formels aux Diocèses suffragants, dont l'un (Mylapore) est tout entier sur le territoire anglais, le second (Cochin) est partie territoire anglais, partie territoire d'un Etat indigène, et le troisième (Damaun) est entièrement territoire anglais à l'exception des deux petits établissements de Damaun et Diu (Voir paragraphe 3). Et quoique tous les Evêques de ces Diocèses suffragants résident sur le territoire anglais, le Gouvernement portugais affirme que cet ordre est expédié "*pour protéger la souveraineté temporelle* contre toute criminelle attaque et pour maintenir les droits de la Couronne", réclamant ainsi sans détour des droits souverains sur l'Inde Anglaise, et déclarant que les lois du Portugal peuvent être appliquées aux Etats de Sa Majesté la Reine. C'est probablement en vertu de ces ordres, contre lesquels le Saint Siége n'a cessé de protester que les Evêques du "Padroado" ont parfois méconnu en face l'autorité du Délégué Apostolique que Sa Sainteté le Pape a envoyé aux Indes pour gouverner l'Eglise de ce pays.* Et non seulement Sa Sainteté le Pape est obligé, pour ainsi dire, de faire approuver ses ordres par le Gouvernement portugais, mais encore ce dernier défend aux Evêques de communiquer avec le Pape excepté par son intermédiaire. Un exemple récent de cette restriction vexatoire se trouve dans le document publié à l'Appendice **G**. De plus, comme les Evêques se trouvent placés entre le Souverain Pontife et les fidèles, il s'ensuit que sous la juridiction du Padroado" les Catholiques sont dans l'impossibilité de communiquer avec le Saint Siége autrement que par le moyen du Gouvernement portugais, et sont tenus dans la plus complète ignorance de tous les documents émanés du Saint Siége, si ce Gouvernement les désapprouve, étant par là dépouillés de ce grand bienfait de la liberté en ce qui touche à leur religion, bienfait qui est assuré à tous les Catholiques en Grande Bretagne, en Irlande, et dans toutes les possessions britanniques autres que les Indes Orientales.

* Comme spécimen des sentiments du Gouvernement portugais, on peut citer une lettre officielle adressée par le Ministre des Affaires Etrangères du Portugal, le 29 Décembre 1870, à l'Ambassadeur portugais à Rome, dans laquelle le premier parle de "la ténacité du Saint Siége" en cherchant á àbolir "le Placet royal *dans des contrées ou nous n'exerçons aucune souveraineté temporelle.*" (V. de *Livre Blanc*, cité plus haut, 1ère partie p. 79). In 1884, l'Archevêque actuel de Goa fut censuré par le Gouvernement Portugais pour avoir publié la Bulle *Humanum genus* sans le placet royal, et à cette occasion les ordres de 1863 (Appendice F.) furent renouvelés.

15. Les Soussignés tiennent aussi à rappeler à Votre Excellence que le progrès que les Catholiques domiciliés dans l'Inde ont fait dans l'éducation depuis 1838 est dû entièrement aux efforts des Evêques envoyés ici par Grégoire XVI et ses deux successeurs, en dépit des violentes protestations et de l'opposition du Gouvernement portugais. Pendant que ce Gouvernement traversait constamment les efforts du Saint Siége pour améliorer la condition des peuples de l'Inde, rien n'était pratiquement fait ni ne pouvait être fait dans ce but sous la juridiction du "Padroado." Les résultats obtenus par les institutions Catholiques au point de vue de l'éducation, ont souvent mérité les éloges du Gouvernement de l'Inde, et les Colléges de la Compagnie de Jésus à Trichinopoly, Calcutta et Bombay ne le cèdent à aucun autre. Dans toutes les Missions, excepté celles qui sont soumises au "Padroado", des Colléges et des écoles de toute sorte pour les enfants des deux sexes ont été établis, et leur nombre s'accroît tous les jours. Il en est tout autrement dans les Missions du "Padroado." A Goa même, le centre de cette juridiction, il y a seulement, pour citer le dernier Archevêque de Goa * "*quelques écoles primaires ou plutôt quelques essais d'écoles, sans mobilier scolaire, sans livres, dirigées par des maîtres maigrement rétribués.*" L'Archevêque ajoute, "*l'instruction des filles est complétement abandonnée et négligée : pour tout dire nous avons des provinces entières, telles que celles de Novas Conquistas, aussi barbares, aussi grossières, aussi ignorantes que lorsqu'elles étaient gouvernées par les Rajas.*" Si tel est l'état des choses à Goa, même après environ quatre cents ans d'occupation portugaise, Votre Excellence peut conclure combien peu les autorités du "Padroado" seront en état de faire pour le bien-être social et l'éducation des Chrétiens semés sur une vaste étendue du territoire anglais, et qui d'après le Concordat ont le malheur de se trouver placés sous la domination ecclésiastique du Portugal. Même dans les endroits où existe la Double juridiction, les autorités du "Padroado" ne font rien pratiquement pour l'éducation, et quant à l'éducation qu'ils possèdent, ses sujets en sont généralement redevables aux écoles de l'autre juridiction. Presque dans tous les lieux où le "Padroado" est seul, les populations ont jusqu'ici croupi dans l'ignorance. Les Soussignés sont d'avis qu'il importe au bon gouvernement de l'Inde qu'un si grand nombre de chrétiens natifs soient tirés de leur condition arriérée. Il est vrai que les Evêques du "Padroado" font maintenant quelques tentatives pour ouvrir des écoles, mais sans moyens et sans hommes capables on ne peut qu'aboutir à peu de chose ou rien. Le Gouvernement portugais a détruit le mécanisme ordinaire des Missions dans l'Eglise en supprimant les communautés religieuses, et le clergé actuellement lui fait absolument défaut pour ses propres

* Lettre adressée par le dernier Archevêque de Goa (Dom Ayres de Orneilas) au Ministre Portugais, 1 Septembre 1879. Voir le *Livre Blanc* cité plus haut, 1ère partie, p. 223.

possessions en Afrique et ailleurs. Il promit au Saint Siége en 1886 d'envoyer aux Indes des missionaires européens. Il en a envoyé deux ou trois pour chacun des quatre Diocèses, là où il en faudrait des centaines, non seulement pour les fonctions pastorales, mais encore pour les écoles, les orphelinats et autres institutions qu'il s'engagea solennellement lui-même dans le Concordat à fonder et à entretenir. Par le sixième article de ce document, il s'oblige, à "coopérer efficacement avec les Evêques à la fondation d'écoles, d'orphelinats et d'autres institutions nécessaires pour le bien des fidèles et l'évangélisation des païens." Bien que les Soussignés ne puissent jamais se faire à l'idée du "Padroado" et des restrictions qu'il entraîne, cette institution leur serait moins odieuse qu'elle ne l'est, si le Gouvernement portugais voulait et pouvait tenir les engagements qu'il a contractés. Mais il n'y a aucun indice sérieux qui permette de lui supposer l'intention de le faire ; et en eût-il même la volonté, on ne peut lui supposer le pouvoir de faire sur le territoire britannique ce qu'il est incapable de faire dans ses propres possessions. L'état d'abandon moral dans lequel se trouvent les possessions portugaises en Afrique est notoire, et a été constamment déploré par les Prélats et les hommes d'Etat du Portugal. Les Soussignés, basant leur opinion sur le traditionnel mode d'action particulier au Gouvernement portugais et sur ce qui se passe à présent, ont raison de croire que dans les territoires assignés au "Padroado", le christianisme ne fera aucun progrès, que dans les districts tels que Tanjore, Mannargudi et Negapatam, qui passent de la juridiction des Evêques nommés directement par le Saint Siége à celle du "Padroado" il subira une décadence rapide; et que les institutions d'éducation et de bienfaisance, qui ont été établies peu à peu par les efforts des Missionnaires et des populations elles-mêmes, parfois avec l'assistance du Gouvernement anglais, ne tarderont pas à tomber en ruine.

16. Les sommes dépensées annuellement par le Gouvernement portugais pour le "Padroado" en dehors du territoire portugais sont évaluées à environ soixante quatre mille roupies. La somme spécifiée au budget de Goa pour l'exercice 1887-8 est de soixante-quatre mille trois cents neuf roupies, un anna. Le chiffre des dépenses annuelles faites par le Gouvernement britannique dans l'Inde en faveur des établissements Catholiques s'élève presque à trois cent mille roupies, et dans cette somme ne sont pas compris les frais pour édifices. (*Rapport du comité des finances*, 1886, vol. II, 148 ; Calcutta, 1887) Les Soussignés désirent faire remarquer que, d'une part, le Gouvernement portugais, à raison de sa maigre subvention, réclame le droit de nommer les Evêques sur le territoire d'autrui, de pourvoir tous les bénéfices avec ses propres créatures, de régler l'administration intérieure des Diocèses, de déterminer quels

des documents Pontificaux les Evêques doivent ou ne doivent pas publier, d'interrompre le libre commerce des Evêques avec le Saint Siége, et qu'il regarde les institutions auxquelles il a contribué seulement pour une faible part, comme sa propriété, quoique sur le territoire anglais : que, d'autre part, le Gouvernement de Sa Majesté, qui contribue au maintien de l'Eglise Catholique Romaine pour une somme quatre ou cinq fois plus forte que celle qui est fournie à des conditions odieuses par le Gouvernement portugais, ne prétend à aucun droit de "Patronage" ou de propriété, laisse le Souverain Pontife libre de nommer les Evêques de son choix, et ne gêne en rien la liberté religieuse des Evêques et des Missionaires, mais au contraire les accueille volontiers et les assiste dans eurs travaux.

17. Les Soussignés ne veulent point fatiguer Votre Excellence par un relevé détaillé des abus que le Concordat de 1886 a créés. Mais il leur sera permis de mentionner ici les circonstances d'un cas dans lequel ils sont respectueusement d'avis que le Gouvernement de Sa Majesté est intéressé. Il s'agit de l'Orphelinat de St. Patrick à l'Adyar (Madras Sud). Cette institution fut établie en 1840, et est destinée aux Orphelins d'Européens et d'Eurasiens (East-Indians). Elle est sous la direction d'une communauté religieuse, un Ordre irlandais bien connu sous le nom de "Frères de St. Patrick," et elle donne asile en ce moment à 210 garçons, qui reçoivent une solide instruction et apprennent aussi des métiers, tels que cordonnier, tailleur, menuisier, forgeron, etc. Le Gouvernement de Madras a fréquemment reconnu l'utilité de cete admirable institution, qui depuis sa fondation a élevé au delà de 1500 pauvres enfants et les a lancés dans le monde. Le Gouvernement a aussi contribué largement à son entretien et supporté environ le tiers des dépenses annuelles. Cet Orphelinat était à l'origine situé à Black Town, Madras : mais en 1885 il fut transféré à l' Adyar, où l'Archevêque avait réussi à lui assurer une propriété considérable et bien appropriée, au prix modéré de 20,000 roupies. Il fallut encore dépenser une somme de 10,000 roupies pour la réparation et l'agrandissement des bâtiments. Pour couvrir une partie de ces frais, le Gouvernement accorda 8,659 roupies. Sous le rapport de la situation et à tous les points de vue la propriété est admirablement adaptée à son but et depuis qu'il a été transféré dans le local actuel, l'Orphelinat a pu étendre ses opérations, développer le systeme d'instruction professionnelle selon le désir du Gouvernement et maintenir les enfants en parfaite santé. Malheureusement on ne prévoyait pas, à l'époque du transfert, que le Gouvernement portugais réussirait à ce que cette place fût comprise dans les limites du territoire assigné au "Padroado," et les signataires de ce Mémoire sont menacés maintenant de voir disparaître l'une des plus utiles

et des plus bienfaisantes institutions de Madras. Le Gouvernement portugais insiste pour le déplacement de l'Orphelinat. Il est vrai qu'il est disposé à offrir une compensation pécuniaire ; mais il est impossible pour le moment de trouver dans le Diocèse de Madras aucune position convenable pour dix fois le prix offert comme compensation, et le déplacement de l'Orphelinat équivaut à sa ruine. Les Soussignés croient que le Gouvernement britannique devrait faire valoir son droit d'intervenir dans la matière. L'Orphelinat a été fondé et maintenu en partie avec les subventions du Gouvernement et à certaines conditions dont le Gouvernement attend avec raison l' accomplissement. Les Catholiques de Madras qui ont aussi aidé à fonder et à maintenir cette institution, ne voient pas pour quel motif ils devraient en être privés. Beaucoup de concessions ont été faites au Gouvernement portugais sous la forme d'églises " exemptées" situées dans les limites du Diocèse de Madras, mais ce Gouvernement ne veut pas tolérer l'existence de cette institution bienfaisante sur le territoire assigné au " Padroado" par le récent Concordat.

18. Un autre abus local existe dans les arrangements pris en vertu du Concordat au sujet de l' Aumônerie de la station militaire de St. Thomas Mount Cette affaire a été exposée avec quelque étendue dans le Mémoire de l'Union Catholique de Bombay; il suffit donc de faire remarquer ici qu'il est quelque peu anormal qu'un Aumônier de troupes anglaises soit une sorte de fonctionnaire du Gouvernement portugais, et d'ajouter que cet arrangement déplaît aux soldats, quoique les Soussignés soient persuadés que l'Evêque portugais de Mylapore fera pour ce poste d'aumônier un choix aussi bon que cela lui sera possible avec un ou deux prêtres européens qu'il a à sa disposition.

19. Les Soussignés prient aussi Votre Excellence de prêter attention aux doléances particulières des Chrétiens de Tanjore, Mannargudi et Negapatam, exposées dans l'Appendice **B**. Aux termes du Concordat, qui sur ce point n'a pas encore été mis à exécution, ces Chrétiens doivent être privés de leurs pasteurs actuels et placés sous la juridiction du "Padroado." Pendant plus d'un demi-siècle ils ont joui des services de dévoués Missionnaires de la Compagnie de Jésus, presque tous de nationalité française: c'est à eux qu'est dû le progrès de ces Chrétiens dans l'éducation et à d'autres points de vue. Des églises, des écoles et d'autres institutions ont été fondées et maintenues par les Missionnaires, dont les efforts ont été secondés par les Chrétiens eux-mêmes. Outre les motifs généraux que ces Chrétiens ont en commun avec les Soussignés pour s'opposer de toutes leurs forces au " Padroado," ils ont encore des raisons spéciales d'intérêt local : car ils ne peuvent s'empêcher de croire qu'avec l'exécution du Concordat, tout progrès sera arrêté, et c'en sera fait

des bonnes œuvres existantes, fruits de longs labeurs et de nombreux sacrifices. Le " Padroado" n'a pas de Missionnaires à sa disposition, et à leur place il ne peut que fournir des natifs de Goa, qui viennent passer quelques années tout au plus sur le territoire anglais. C'est un fait notoire que ces prêtres goanais sont incapables de continuer les œuvres d'éducation qui existent actuellement dans ces localités, encore moins de les accroître en proportion avec des besoins sans cesse grandissants. De plus, il n'y a aucune sympathie entre le peuple et ces pasteurs temporaires, qui rarement acquièrent une connaissance suffisante de sa langue. Enfin bon nombre d'églises sont légalement la propriété des Chrétiens, et quoique le Gouvernement portugais soit habitué à parler et à écrire, comme si toutes les églises placées sous la juridiction du " Padroado " étaient propriété de la Couronne de Portugal, il va sans dire qu'il ne posséde aucun moyen de déposséder les populations de leur édifices. La propriété leur en est garantie par la loi anglaise. Cependant les Chrétiens de Tanjore, Mannargudi et Negapatam demandent plus que cela ; car ils regardent une telle protection comme inefficace, si le Gouvernement de Sa Majesté venait à permettre qui les édifices qu'ils ont bâtis devinssent inutiles pour la destination qu'ils ont maintenant. Sans les Missionnaires, ces églises, qui représentent bien des sacrifices de la part de leurs propriétaires, devront être à proprement parler sans destination, et ce sera une bien mince consolation pour le peuple de penser qu'ils retiennent le droit de propriété sur des édifices qui devront rester fermés. Leur grief est semblable à celui dont se plaignent les Catholiques de Madras, qui en conséquence du Concordat, s'attendent à voir disparaître l'Orphelinat de l'Adyar. (Paragraphe 17).

20. Les Soussignés profitent de l'occasion pour déclarer ici ouvertement qu'ils ne sont opposés à aucun Missionnaire, quel qu'il soit, à cause de sa nationalité, fût-il portugais ou non. Au contraire, ils tiennent à exprimer leur profonde gratitude envers les Missionnaires étrangers et les nations étrangères pour les sacrifices qu'ils se sont imposés en faveur des Missions de l'Inde. Dans le monde entier il ne serait pas possible de trouver un clergé plus dévoué, plus instruit, plus exemplaires que les Missionnaires, qui s'emploient au salut de ce vaste empire, et bien peu parmi eux sont sujets anglais. La valeur des services rendus par ces Missionnaires étrangers a été souvent reconnue par le Gouvernement de Sa Magesté ; et pour ceux qui ne sont pas Catholiques, fonctionnaires du Gouvernement aussi bien que simples particuliers, la vie et les œuvres du Missionnaire Catholique dans l'Inde sont un thème continuel d'éloges et d'admiration.* Les Soussignés ne sont ni assez ingrats ni assez dépourvus de sens pour vouloir

* La nationalité des Missionnaires Européens dans les divers Diocèses de l'Inde, à l'exclusion de la Birmanie, est en grande partie ainsi qu'il suit :—Calcutta et Lahore, Belges ; Bombay et Poona, Allemands ; Madras, Irlandais et Hollandais ; Agra, Allahabad, Hyderabad, Kishnagar, Mangalore, Quilon et Verapoly, Italiens ; Coimbatore, Mysore, Nagpore, Pondichery, Trichinopoly, et Vizagapatam, Français.

que des sujets anglais prennent la place des Missionnaires étrangers maintenant ni à quelque époque que ce soit. Pour les besoins présents et futurs des Missions, les Chrétiens de l'Inde accueilleront avec empressement les Missionnaires portugais, comme ils l'ont toujours fait d'ailleurs, lorsque quelques rares Missionnaires de cette nation sont venus de temps en temps dans ces dernières années travailler aux Indes en dehors de la sphère du "Padroado." C'est à l'ingérence d'un Gouvernement étranger que les Soussignés sont hostiles; ce sont les entraves que ce Gouvernement met à la liberté religieuse des Chrétiens de l'Inde anglaise, et cette transformation obligatoire des Evêques et des prêtres en ses agents, qu'ils repoussent. Les Soussignés ont placé sous les yeux de Votre Excellence les vastes prétentions de ce Gouvernement, fondées sur son passé déjà ancien et sur la maigre subvention qu'il accorde chaque année pour des œuvres religieuses dans l'Inde; encore cette somme n'est-elle pas fournie par le Portugal, mais bien prélevée au moyen d'un impôt sur le peuple de Goa. En ce qui regarde le nombre de Missionnaires européens qu'il a envoyés du Portugal durant les cinquante dernières années, les Soussignés sont persuadés qu'ils exagèrent en portant ce chiffre à vingt-cinq, ce qui donnerait une moyenne d'un tous les deux ans, pour pourvoir aux besoins d'un nombre immense de Missions délaissées. Pour justifier ses monstrueuses prétentions, le Gouvernement portugais pratiquement n'a rien fait. Il n'a dépensé ni argent ni hommes, bien qu'il ait essayé à différentes reprises de persuader au Saint Siége de soumettre les Missionnaires et les Ordres religieux existant dans l'Inde à sa juridiction ecclésiastique, afin de pouvoir jouir de son "Patronage" aux dépens des autres nations plus généreuses et plus capables que le Portugal. A cette ligne de conduite les Soussignés comparent la maniére d'agir du peuple de France Cette nation pendant les cinquante dernières années a envoyé aux Indes plusieurs centaines de dévoués Missionnaires et les a généreusement soutenus eux et leurs œuvres, mais le Gouvernement français n'a jamais basé là-dessus aucun droit d'ingérence. Le nombre des prêtres français actuellement Missionnaires dans l'Inde n'est pas moindre de 260, tandis que les prêtres Européens du "Padroado" probablement ne dépassent pas douze pour quatre vastes Diocèses. L'Italie, la Belgique, l'Allemagne et la Hollande rivalisent avec la France, et il y a présentement aux Indes (sans parler de la Birmanie) environ 582 Missionnaires européens à mettre in parallèle avec une douzaine du "Padroado." Le Gouvernement portugais est le seul qui spécule sur la religion dans l'Inde, et le "Padroado" lui-même prive l'Inde de Missionnaires portugais; car même en Portugal il n'est pas aisé de trouver des ecclésiastiques désireux de se soumettre à la situation peu enviable dans laquelle leur Gouvernement voudrait les placer.

21. Les Soussignés n'ont nullement l'intention de priver aucun de leurs co-religionnaires, quelqu'il soit, des prêtres de sa race ou des pasteurs qu'il préfère ; mais ils ne peuvent s'empêcher de faire observer qu'en tout cas, dans la Présidence de Madras, il n'y a pas de Chrétiens résidents, qui parlent Portugais, à l'exception d'un petit nombre, chaque jour diminuant, dans le voisinage de Cochin, et que même les prêtres Indo-Portugais qui viennent de Goa n'ont qu'une connaissance très-imparfaite de cette langue, laquelle n'est pas leur langue maternelle. Parmi les Chrétiens de Tanjore, Mannargudi et Negapatam, mentionnés plus haut, il n'y a peut-être pas une seule personne qui soit d'origine portugaise ou goanaise.

22. Il est superflu de remarquer que le Gouvernement portugais n'a aux Indes aucun droit qu'il puisse établir sur le Droit international ; mais avant de mettre fin à ce Mémoire, les Soussignés tiennent à faire observer que le Gouvernement portugais lui-même a formellement reconnu que le Gouvernement de Sa Majesté la Reine, a seulement consenti à tolérer le "Padroado" à certaines conditions, et a décidé que si ces conditions étaient violées, comme elles l'ont été constamment, il interviendrait. Lorsque le Gouvernement portugais était en négotiations pour le Concordat actuel, le 21 Septembre, 1885, le Ministre portugais, Senhor José Vincente Barbosa du Bocage, écrivait comme il suit à l'ambassadeur portugais à Rome : *

" L' Angleterre n'interviendra pas dans les arrangements qui sont conclus entre le Gouvernement portugais et le Saint Siége *pourvu qu'ils ne violent pas la liberté de conscience de ses sujets, qu'ils ne troublent pas la paix publique et qu'ils ne modifient pas notablement le 'statu quo' en ce qui concerne le nombre et l'étendue des Diocèses.*"

Si telle est la manière de voir du Gouvernement de Sa Majesté, les Soussignés ont l'honneur d'affirmer qu'ils ont prouvé jusqu' à l'évidence l'existence de chacune des conditions reconnues par le Gouvernement portugais lui-même, pour justifier l'intervention du Gouvernement britannique. La liberté de conscience des sujets anglais est violée par l'ingérence du Gouvernement portugais dans les matières spirituelles, ainsi qu'il a été montré surtout par l'application du Placet royal dans l'Inde anglaise aux documents émanés du Saint Siége, et par les obstacles apportés à la liberté de communication immédiate entre les Evêques et Sa Sainteté le Pape. La paix publique a été troublée pendant plus de cinquante ans par les Agents du "Padroado." La preuve en est fournie

* Voir le *Livre Blanc*, cité plus haut, t. II, p. 135.

par le Mémoire des Evêques (Appendice **A**) et par une série interminable de procès criminels et civils dans les trois Présidences. Le *statu quo* de 1885 a été notablement modifié, en ce qui touche le nombre et l'étendue des Diocèses, par le Concordat de 1886. L'Archevêché de Goa s'est accrû d'une large portion de territoire anglais, comprenant la station militaire de Belgaum. Un Diocèse tout nouveau a été créé dans la Présidence de Bombay. Les Diocèses de Mylapore et de Cochin, supprimés en 1838 ont été rétablis. On a assigné au premier des lieux où la juridiction du "Padroado" était inconnue, et la juridiction de l'Archevêque anglais de Madras, sur la station militaire de St. Thomas Mount lui a été enlevée. De nouveaux territoires ont été ajoutés à deux Evêchés, et le nombre des personnes soumises au "Padroado" en dehors des possessions portugaises s'est considérablement élevé, d'après les chiffres donnés par le Gouvernement portugais dans le *Livre Blanc* mentionné plus haut. Un grand nombre de sujets anglais, contre leur gré, ont été transférés au "Padroado," et le Gouvernement portugais semble infatigable dans ses efforts pour maintenir et étendre la Double juridiction qui a été la cause de tant de crimes et de désordres. Le Gouvernement portugais n'aura donc aucune raison fondée de se plaindre, si le Gouvernement de Sa Majesté dès à présent entre en négotiations avec le Saint Siége relativement à ses propres sujets sur son propre territoire, et s'il intime au Portugal que son Patronage, qui n'a existé jusqu'ici que par tolérance doit cesser. Ce n'est pas aux Soussignés qu'il appartient de suggérer à Votre Excellence les mesures à prendre dans les circonstances ou les négotiations à entamer avec le Saint Siége. Peut-être une simple intimation à la Couronne de Portugal serait-elle suffisante. Au paragraphe 11 les Soussignés ont rappelé le fait que le Gouvernement portugais s'était autorisé du silence des Chrétiens de l'Inde pour les représenter au Saint Siége et au Gouvernement britannique comme favorables au "Padroado." Les Soussignés sont convaincus que le Gouvernement portugais se fait illusion sous ce rapport, et que si les sentiments du peuple de cette contrée peuvent lui être manifestés il cessera d'imposer aux sujets anglais, contre leur volonté, un "Patronage" qui leur est odieux et nuisible.

23. En sollicitant son abolition, les Soussignés pour résumer soutiennent que—

(1) Le Patronage ecclésiastique exercé par la Couronne de Portugal dans l'Inde anglaise, ne s'exerce pas conformément aux conditions auxquelles le Gouvernement de Sa Majesté, consentit par le passé, à le tolerer, car—

(*a*) Il gêne leur liberté de conscience,

(b) Il trouble la paix publique, et

(c) Le nombre et l'étendue des Diocèses qui lui sont soumis ont été accrûs.

(2) Il est intolérable pour raisons politiques, et est une source perpétuelle d'embarras pour l'administration civile.

(3) Il est odieux aux peuples qu'il concerne, et est contraire aux vœux et à la politique intérieure du Gouvernement de Sa Majesté.

(4) Il est une cause de doutes pour la validité des mariages.

(5) Aucun Patronage ecclésiastique étranger n'est toléré ailleurs dans les possessions britanniques, ni par aucune autre Puissance.

(6) Son existence est due à de faux supposés et à des malentendus.

(7) Il constitue un obstacle au progrès social de considérables communautés de Chrétiens indigènes.

(8). Son abolition ne touche à aucun droit existant.

(9). Son extension est funeste aux institutions d'éducation et de bienfaisance actuellement existantes, et que le Gouvernement britannique a contribué à établir.

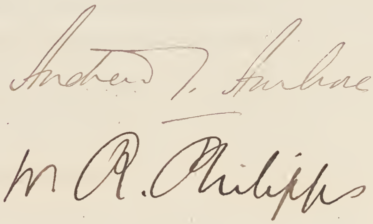
Pour tous ces motifs et d'autres encore les Soussignés demandent son abolition.

24. Ce Mémoire est envoyé à Votre Excellence par l'intermédiaire de Son Excellence le Gouverneur de Madras, avec prière à Son Excellence de vouloir bien recommander la petition à la prompte et favorable prise en considération de Votre Excellence et du Gouvernement de Sa Majesté. Un exemplaire de ce Mémoire accompagnera aussi l'adresse que les Soussignés sont sur le point de faire parvenir à Sa Sainteté le Pape par l'intermédiaire de Son Excellence Monseigneur Ajuti, Délégué Apostolique du Saint Siége dans les Indes Orientales.

25. Finalement, en raison de toutes les circonstances et motifs exposés ci-dessus, les Soussignés prient respectueusement Votre Excellence de procurer la cessation du Patronage portugais dans l'Inde anglaise, le plus tôt possible, afin que les Catholiques qui y résident puissent jouir de la même immunité de toute ingérence civile en matière religieuse dont leurs co-religionnaires jouissent en Angleterre et dans les autres Etats de Sa Majesté.

Et les signataires de ce Mémoire se feront toujours un devoir de prier pour Votre Excellence.

Secrétaires Honoraires Adjoints,



Madras, 31 *Octobre* 1890.

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Concordat du 23 Juin, 1886, au sujet du 'Padroado' royal portugais dans les Indes Orientales (texte latin.)

In Nomine SSmae Trinitatis.

Sanctitas Domini Nostri atque Pontificis Summi Leonis XIII et Majestas Fidelissimi Regis Domini Aloisii I ampliorem Christianae Religionis in Orientalibus Indiis explicationem juvandi provehendique, ac Lusitani Regis in iisdem Patronatum stabili et definitiva ratione ordinandi zelo incensi, Conventionem ambo inire statuerunt, delectis ad id agendum duobus cum liberis mandatis Oratoribus ; nimirum pro S. Sede Emo ac Rmo D. Card. Ludovico Jacobinio, Pontificis Scriba principe ad extranea ; et pro Fidelissimo Rege Lusitaniae, Excmo D. Jo. Baptista De Silva Ferrão de Carvalho Martens, Legato extraordinario, atque exteris Regni negotiis curandis honoris causa adlecto ; quorum uterque amplissimis, quae acceperant, mandatis mutuo ostensis, iisque optima debitaque forma praeditis utrinque compertis, in hos, qui subjiciuntur, articulos conficiendos convenerunt.

Articulus i.—Earum concessionum vi, quas Pontifex jam ante largitus fuit, Patronatum in Cathedralibus Orientalium Indiarum Ecclesiis, Lusitaniae Reges, quatenus per sacros Canones liceat, exercere pergent, juxta eas, quae in hoc Convento expressae sunt, immutationes.

Articulus ii.—Quod ad Metropolitanam et, ut ajunt, Primatialem Goae Ecclesiam pertinet, ejus Archiepiscopus Metropolitae jura in Dioeceses, quas Suffraganeas vocant, et ipse exercere perget.

Archiepiscopus interim qui ejus Ecclesiae fuerit, benigna sanctissimi Patris indulgentia, ad patriarchalem in omnes Orientales Indias dignitatem, honoris causa, evehetur ; fruetur insuper omnium earumdem Orientalium Indiarum nationalibus Conciliis, quae Goae ut plurimum cogentur, praesidendi privilegio : salvo tamen Romano Pontifici in peculiaribus rerum adjunctis aliter, si Ipsi placeat, disponendi jure.

Articulus iii.—Goae Provincia Ecclesiastica, praeter Metropolitanam Sedem hisce tribus Dioecesibus constabit: Damaviensi, adscita etiam appellatione —Cranganorensi, Cochinensi, et S. Thomae Meliaporensi.

Sejuncto in folio harum Dioecesium confinia, locaque iisdem subjecta indicabuntur.

Articulus iv.—In Metropolitana Goae Dioecesi, veluti in iis tribus suffraganeis Dioecesibus, Jus Patronatus a Lusitaniae Rege exercebitur.

Articulus v.—Ea propter emolumenta, quae ex recenti harum trium Dioecesium, ac proinde novae Provinciae ecclesiasticae, institutione, in illos fideles populos provenire possunt, quidam praecipui ex Goanis Christianarum gentium coetibus, qui in Documento heic adnexo nominantur, attamen in earum trium Dioecesium confiniis minime continentur, iisdem adgregabuntur, locorum morumque ratione habita, quibus illae gentes earumdem Dioecesium incolis assimilantur.

In Goanis aliarum Dioecesium, quas vocant, Missionibus singuli earum Episcopi animarum curam Sacerdotibus Goanis vel Lusitanis qui sibi subsunt, prae caeteris concredere debebunt.

Articulus vi.—Lusitani Regni Administratores easdem Dioeceses, Canonicorum Collegia, reliquum Clerum, et clericorum Seminaria congrue dotandi munus curamque suscipiunt: ac religiosum Episcoporum studium in erigendis Scholis et Orphanotrophiis, aliisque id genus piis institutionibus perficiendis, quas Fidelium populorum salus atque Evangelii ceteris gentibus peragenda praedicatio exigunt, efficaci juvabunt opera.

Articulus vii.—Hisce quatuor Dioecesibus regendis, Bombayensi videlicet, Mangalorensi, Quilonensi et Madurensi, quae quidem cum ipsa Hierarchia in Indiis constituenda erigentur, Metropolitani una cum Episcopis suffraganeis, vacantibus Sedibus episcopalibus, quemadmodum etiam vacante Sede archiepiscopali, ejus Provinciae Suffraganei, eligendorum ternarium pro suo lubitu conficient, eumque Goae Archiepiscopo exhibebunt, qui illum ad Lusitaniae Regem mittet: hic vero infra sex menses unum ex iis qui Candidatorum ternario continentur, Sanctae Sedi praesentare debebit: quo quidem temporis spatio praeterlapso, libera electio ad S. Sedem devoluta censebitur.

Articulus viii.—Summus Pontifex quatuor Dioecesium, quarum insuperiore articulo mentio fit, quaeque in ipsa Hierarchiae constitutione peragenda erigentur, Archiepiscopos atque Episcopos primum nominabit.

Articulus ix.—Malacae ac Singapouri Christianae gentes, quae prasenti tempore extraordinariae Goani Archiepiscopi jurisdictioni subsunt, posthac Episcopi Amacai jurisdictioni subdentur.

Articulus x.—Sic itaque regii Patronatus jure ordinato, in universo reliquo Orientalium Indiarum territorio, S. Sedes Episcopos, quos libeat, nominandi, eaque decernendi, quae Fidelium bono opportuna sibi visa fuerint, plena atque integra libertate fruetur.

Articulus xi.—Prioribus concessionibus, quae ad regium in Orientalibus Indiis Patronatum spectabant, ita temperatis ac declaratis, Articuli III. IV. V. VI. atque heic adnexum Documentum A, quod est Conventio sollemniter riteque anno 1857 inita, in sua vi ac robore permanent.

Articulus xii.—Hoc publicum mutuumque pactum, cum iis quae eidem adnectuntur, quaeque illud quodammodo complent, uterque Praeclarissimus pacisens Vir, proprio nomine, ut mos est, subsignato, ratum faciet: atque hae nominum subsignationes, Romae infra tres menses, (imo etiam ante, si quidem fieri poterit) a die quo datae fuerint, alterna earumdem traditione, per subscriptos Oratores peragenda, confirmabuntur.

Romae Die XXIII Junii, anno MDCCCLXXXVI.

(L. S.) Lud. Card. Jacobinius.

(L. S.) Jo. Bapt. De Silva Ferrao de Carvalho Martens.

To

THE MOST HONORABLE THE MARQUIS OF SALISBURY, K. G.,

HER MAJESTY'S SECRETARY OF STATE FOR FOREIGN AFFAIRS.

The humble Memorial and Petition of the Madras Catholic Union.

MOST RESPECTFULLY SHEWETH,

1. Your Lordship's Memorialists constitute the Council of the Madras Catholic Union, an association, which has been recently established for the purpose of representing the Roman Catholic laity of all races and classes resident in the Madras Presidency.

2. Your Memorialists, having full confidence in the desire and the power of Her Majesty's Government to secure to Roman Catholics in India the same freedom from civil interference in religious matters, which is enjoyed by their co-religionists in all the other dominions of the British Crown, humbly beg leave to invite your Lordship's attention to the Concordat, which was signed on the 23rd June, 1886, between the Holy See and the Portuguese Government. By this instrument large numbers * of the Roman Catholic subjects of Her Majesty, contrary to their wishes and interest, are placed in a sort of religious dependence upon a Foreign Sovereign, who is permitted to interfere in the ecclesiastical concerns of British India.

3. The Bombay Catholic Union has recently addressed a petition on this matter to your Lordship, and has therein detailed the main provisions of the Concordat. Your Memorialists will therefore not repeat them here, but will only call special attention to their effect on the Roman Catholic Church in the Madras Presidency. This effect is briefly as follows :—

(*a*) Two Portuguese Bishoprics have been established, one at San Thomé or Mylapore (a suburb of Madras), the other at Cochin. These Bishoprics are in the gift of the Portuguese Crown, and both are suffragan to the Archbishopric of Goa. All ecclesiastical benefices, existing or to be created in these Dioceses, will also be in the gift of the same Crown.

* The number of Roman Catholics in India, excluding Burma, and French and Portuguese possessions is estimated at 1,133,307. Of these 587,366 fall under the Portuguese ecclesiastical "Patronage," while others are affected by it, owing to the system of "Double Jurisdiction" referred to in paras. 3 and 8.

(*b*) The King of Portugal is also invested with the right of selecting Bishops for the Sees of Mangalore, Quilon and Trichinopoly (formerly Madura), when vacant, out of lists of three names submitted to him by the remaining Bishops of the Ecclesiastical Province in which the See is vacant.

(*c*) The Bishoprics of Mylapore, Mangalore, and Trichinopoly consist wholly of British territory, the Bishoprics of Cochin and Quilon partly of British, partly of Native, territory. As the number of Roman Catholics in these Dioceses is large as compared with others, it follows that a considerable number of British subjects of that religion (including European British soldiers at St. Thomas' Mount) are placed *in dependence on the King of Portugal.*

(*d*) Further, the Bishop of Mylapore, the nominee and paid subject of the Portuguese Government, is given outside the limits of his Diocese a special jurisdiction over isolated churches and communities situated in Lower Bengal within the Dioceses of Calcutta and Dacca, within the City of Madras, and in the Districts of Tanjore, Madura, Trichinopoly and Tinnevelly, all of which Districts lie within the Diocese of Trichinopoly. This arrangement constitutes what is known as the "Double Jurisdiction," to which allusion will be made hereafter.

4. Your Memorialists venture to point out to your Lordship that all these arrangements have been forced on the Holy See by the Portuguese Government with a disregard, which seems almost contemptuous, of Her Majesty's Government, and of the interests and wishes of the people, whom the Portuguese Government had succeeded in bringing into a sort of religious dependence on itself. The sentiments of the Holy See are perfectly well known, and in the negotiations which preceded the Concordat, it did its best to curtail the inordinate demands of the Portuguese Government, which even so late as 1884 asserted its pretended right to exercise a control, under the garb of "Patronage" over the whole of India, Ceylon, and the Straits Settlements. In proof of all the statements made in this paragraph your Memorialists beg to invite your Lordship's attention to the documents published by the Portuguese Government in 1887, in a *Livro Branco* * regarding the Concordat referred to. Your Memorialists also venture to express their opinion, that in endeavouring, for the sake of religion, to limit the pretensions of the Portuguese Government, the action of the Holy See was conducive to the interests of the Government of Her Majesty, which desires the social and moral welfare of its Roman Catholic subjects, and cannot be altogether indifferent to the frequent

* *Documentos apresentados ás Cortes. Negociações com a Santa Sé. Primeira parte: Negociação para a execução da Concordata de 21 de Fevereiro de 1857. Segunda parte: Negociação da Concordata de 23 de Junho sobre o Padroado da coroa Portuguez na India.* Lisboa, Imprensa Nacional, 1887.

disorders and consequent embarrassment to the civil authorities, which have been caused by the claims of the Portuguese Government. But the Holy See, unaided by the British Government, which alone has a right to interfere in the matter, has been compelled to yield to the demands of Portugal. Your Memorialists also venture to represent that if their own Government, on the principle of non-intervention in religious matters, leaves the Christians of India in such matters to be controlled against their wishes by a Foreign State, these have reason to complain that their religious liberty is not protected in the way they have a right to expect.

5. As Roman Catholics your Memorialists are bound to loyally submit to the arrangements sanctioned by the Holy See, and hitherto they have been reticent in appealing to Her Majesty's Government, partly because they had no lay organisation to represent them, and partly because they entrusted their interests to the Bishops, who were known to have represented matters to the British Government. Your Memorialists were also led to believe that the Holy See would be successful in abolishing the Portuguese "Patronage" or "Padroado" in British India or in reducing it to a minimum, and remembering that a previous Concordat (21st February, 1857) had been rendered nugatory principally because of the refusal of Her Majesty's Government to recognise it, they were not prepared for the present Concordat, which perpetuates the "Patronage" of a Foreign King in British possessions.

6. Your Memorialists here wish to remind your Lordship of the Memorial, which on the 15th August, 1883, was addressed to the Secretary of State for India by the Bishops of the Madras Presidency. In that document, which is reproduced here as Appendix **A**, the Bishops prayed that Her Majesty's Government would take steps to procure the abandonment by the King of Portugal of his claim to the right of "Patronage" in British India. They also gave examples (selected out of innumerable instances) of the crimes and disorders which, during fifty years, had been produced by the claim in question.

7. Your Memorialists also desire to remind your Lordship of the representations of the Native Roman Catholics of Tanjore, Manuargudi and Negapatam, who, if the Concordat of 1886 is put into effect, will, against their wish, be transferred to the jurisdiction of the "Padroado." These naive and unaffected representations will be found in Appendix **B**.

8. Allusion has been made above to the "Double Jurisdiction" perpetuated by the Concordat. This extraordinary system, which exists nowhere in the world except in India and in the Straits Settlements, and is unknown in ecclesiastical

history, was first sanctioned by H. H. Pope Pius IX. as a purely temporary arrangement, pending the execution of the Concordat of 1857. It has continued to exist to this day, and now is perpetuated by the Concordat of 1886, in spite of the desire of the present illustrious Pontiff, of His august predecessor, and of the Bishops and laity of India to see it abolished. Its effect is that in one and the same place—and there are many examples, as, for instance, the three Presidency towns and innumerable smaller places—there are two independent Roman Catholic Jurisdictions, one, that of the Bishops of the Portuguese "Padroado," the other of the Bishops appointed directly by the Holy See and dependent, as are the Bishops of Great Britain and Ireland, on the Sacred Congregation *de Propaganda Fide.* Your Memorialists wish here to recall to mind the words which the Bishops of the Madras Presidency addressed to Her Majesty's Government on 15th August, 1883* :—

"The condition to which the Catholic Church in India is reduced by this "Double Jurisdiction, is a source of great regret to all who have the welfare of "Christianity at heart, and who desire to see charity and peace reign, not only "amongst Christians in general, but also in Christian families. It is a "perpetual cause of dispute amongst priests and their flocks, more especially on "the occasion of marriages, when it is hard to determine to what jurisdiction the "parties belong, as it sometimes happens that the members of the same family "belong to different jurisdictions."

Your Memorialists may add that apart from the disorders, of which this divided jurisdiction is the source, and the embarrassment, which it causes to the British Government in matters of chaplaincies, cemeteries, etc., it is impossible, even with the best intentions on the part of the Bishops of the "Padroado," to avoid the gravest confusion ; and at present it is often difficult for a layman to know to which jurisdiction he belongs, and the validity of marriages is sometimes open to doubt in consequence. In the case of marriages celebrated erroneously by priests of one jurisdiction the ceremonies have even had to be repeated by priests of the other to ensure validity.

9. It is not the intention of your Memorialists to trace the history of the "Padroado" in British India, to speak of the events, which have led up to the present unhappy state of affairs, or to remind your Lordship of the documents in which the sentiments of the British Government with regard to the Portuguese Patronage have been expressed. These matters have been sufficiently set forth in the Memorial of the Bombay Catholic Union, alluded to above, and in the exhaustive Memorandum on the subject, which is attached to the present

* See Appendix A.

Memorial as Appendix **C**. The Memorial of the Bombay Catholic Union, and the aforesaid Memorandum, which was drawn up some three years before the Concordat of 1886, relate, however, more particularly to the affairs of the Bombay Presidency, and your Memorialists therefore desire here to complete them by a reference to two letters, one of which represents the sentiments of the Government of India in 1835 and the other of the Honorable East India Company in 1839. These letters are reproduced as Appendices **D** and **E**, and your Lordship will observe that on the 26th January, 1835, the Governor-General in Council not merely recognised the authority of the Very Rev. Father St. Leger, the first Vicar-Apostolic of Bengal, to the exclusion of the claims of the ecclesiastic representing the Portuguese "Padroado," but declared that he could not "recognise any authority "in the head of the Portuguese nation *to regulate any matter spiritual or temporal* "*within the British territory.*" In the second letter it will be seen that on the 10th July, 1839, the Honorable the Court of Directors formally recognised the claims of the Right Rev. Bishop O'Connor as the head of the Roman Catholic Church at Madras, and declined to admit those of the representatives of the "Padroado." Your Memorialists venture to submit that these two letters have a special interest and bearing on the present case, if their dates and the circumstances under which they were written be duly considered. Previous to the arrival of Father St. Leger at Calcutta and of Bishop O'Connor at Madras, the supreme Government had tolerated the Portuguese "Patronage," as being the only existing Roman Catholic jurisdiction in those places: but as soon as they arrived, it ceased to recognise that jurisdiction and denied the right claimed by the Crown of Portugal to exercise Ecclesiastical Patronage in British territory, which pretended right the same Crown has nevertheless continued to maintain to this day, in disregard of the rights of the paramount power.

10. In the Memorial of the Bombay Catholic Union allusion has been made to the Marriage Treaty of 1661, upon which, as regards Bombay, the rulers of Portugal have frequently based their claims of Patronage. Although the British Government has never admitted the interpretation put upon that instrument by the Portuguese Government, it may not be out of place to mention that in the Madras Presidency the Portuguese Government has no Treaty or convention of any sort on which to base its claims. Nevertheless it does not fail to put them forward with the same assurance as in Bombay, ignoring the wishes of the people concerned, and treating their Government as if it did not exist. Your Memorialists respectfully submit that in no other Dominion of the British Crown does the British Government allow its Roman Catholic subjects to be treated in such a manner, and to become the unhappy material of a sort of bargain

made by a Foreign King, to whom they owe nothing, and whose protection they neither seek nor require.

11. Your Memorialists further urge that no Government in the world, save the British, tolerates the Patronage of an alien temporal Power within its territories ; for it is obvious that such toleration is not merely derogatory to the dignity of the nation, but may at any time become the source of political complications and dangers. The British Crown itself tolerates no such Patronage in any part of its Dominions, except the East Indies. In Canada Her Majesty's Government, deliberately and for safety's sake, put an end to the Ecclesiastical Patronage of France as soon as that country became a British possession.* Similarly in Malta the Ecclesiastical Patronage of the Sicilian Monarch ceased at the beginning of British rule. Portugal itself has had to abandon its Patronage in countries formerly under its rule, as for instance, in Brazil. And here in India the French Government put a stop to the Ecclesiastical Patronage attempted to be exercised by the Portuguese Government in Pondicherry, and other French possessions, and even Her Majesty's Government co-operated with the Holy See in abolishing the "Padroado" in Ceylon in 1836. It is not for your Memorialists to indicate the political objections to the exercise of a Foreign Patronage in British territory, but it is sufficient to point out that Portuguese statesmen, the Press of Portugal and Portuguese prelates have constantly urged, and still urge the maintenance of the "Padroado" on political grounds, and as the only cheap practical means, now possible, of maintaining Portuguese influence in the East Indies. Your Memorialists regret to have to say that the sentiments of British subjects have been treated with indifference by the Portuguese Government, which has also, so to speak, traded on the silence of Roman Catholics in India and on their submission to the orders of the Pope, to misrepresent them to the Holy See and to Her Majesty's Government as supporters of the "Padroado," and just as it did previous to the Concordat of 1857, it has urged upon the Holy See that the British Government was absolutely indifferent in the matter.

12. But your Memorialists can never be content with the "Padroado," and their opposition is not merely sentimental and patriotic. Apart from political and civil objections, they oppose it most strongly on religious grounds. They leave the political objections to your Lordship's judgment : the civil objections have been sufficiently indicated in the Memorial of the Bishops, which is reproduced as Appendix **A.** Their sentiments regarding the religious and ecclesiastical aspects

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* *See Report from the Select Committee appointed to report the nature and substance of laws and ordinances existing in Foreign States respecting the regulation of their Roman Catholic Subjects*, &c., &c., ordered by the House of Commons to be printed 25th June, 1816, and reprinted 14th February, 1851, pp. 43 and 300.

of the question will be set forth in a humble address, which they are about to forward to His Holiness the Pope. They may here, however, make some further remarks regarding their religious objections to the "Padroado," as at present exercised.

13. It is to them an intolerable grievance that a Foreign temporal Power should be allowed to have any voice in the selection of their Bishops, and that the Kings of Portugal should be given the opportunity of forcing upon the Holy See unworthy persons, such as the deceased Archbishop da Silva Torres (1844-48), who was responsible for many of the disorders and crimes detailed in Appendix **A**. Though this prelate was ultimately removed in disgrace, the fruits of his unhappy career in India exist to this day. Your Lordship has lately succeeded in arranging with the Holy See that the prelates of Malta shall be such as are acceptable to the Maltese people, and your Memorialists trust that in India also, the British Government will prevent the nominees of a Foreign King from being foisted upon them against their will.

14. Another intolerable grievance is that under the "Padroado" the intercourse of British Catholics with the Holy See is hampered by an alien Power. In all other British Dominions, communication between His Holiness the Pope on the one hand, and the Bishops and people on the other, is unrestricted, and the Supreme Pontiff is at liberty, without any interference on the part of Her Majesty's Government, to issue such orders as the government of the Church may require. But here in British India, in the four Dioceses of the "Padroado," no Papal document can be published without the previous approval of the King of Portugal, a state of degrading bondage, from which the Roman Catholics of India look to Her Majesty's Government to be mercifully delivered. If Her Majesty's Government, the only one really interested, finds it undesirable in all its vast Dominions to interfere between the Holy See and the Bishops, surely it is monstrous that an alien Power should be allowed to arrogate to itself such a power in British territory, and that too in opposition to the conscience of the persons affected. The mandates of the Portuguese Government regarding this Royal "Placet" have been renewed and applied from time to time to British India with the greatest effrontery, and with cynical indifference to the sentiments of British Catholics. A notable example of this is the document reproduced as Appendix **F**, which the Portuguese Government addressed on the 8th August, 1863, to the Archbishop of Goa. On perusing that document, your Lordship will observe that the Portuguese Government not merely commands the Archbishop of Goa not to execute in his own Diocese (which consists largely of British territory), without the previous Royal permission, any "Bull, Brief, "Rescript or Apostolic Order of whatsoever nature or denomination, issued in the

"name of the Holy See, Nuncios or other Apostolic Delegates," but in the most explicit manner it applies this order to the suffragan Dioceses, one of which (Mylapore) consists wholly of British territory, another (Cochin) partly of British and partly of Native territory, and the third (Damaun) wholly of British territory, except the two small Portuguese possessions of Damaun and Diu (*cf.* para. 3). And although all the Bishops of these suffragan Dioceses are resident in British territory, the Portuguese Government asserts that this order is issued "*to protect the temporal sovereignty* from any dangerous invasion "and to maintain the rights of the Crown," thus distinctly claiming sovereign rights in British India, and asserting that the laws of Portugal can be applied to the Dominions of Her Majesty. It is presumably on the strength of these orders, against which the Holy See has repeatedly protested, that the Bishops of the "Padroado" have sometimes to all appearance ignored the authority of the Apostolic Delegate, whom His Holiness the Pope has sent to India to govern the Church in this country.* And not merely is His Holiness the Pope compelled, as it were, to have His orders approved by the Portuguese Government, but the latter forbids the Bishops to communicate with the former except through its medium. A recent instance of this irritating restriction is shewn by the document reprinted as Appendix **G**. Moreover, as the Bishops stand between the Supreme Pontiff and the laity, it follows that under the "Padroado" jurisdiction Roman Catholics are unable to approach the Holy See except through the Portuguese Government, and they are kept in ignorance of all documents emanating from the Holy See, if that Government disapproves of them, thus being robbed of the great blessing of freedom in what belongs to their religion, a blessing which is secured to the Roman Catholics in Great Britain and Ireland and in all other British territories except the East Indies.

15. Your Memorialists desire also to remind your Lordship that the advancement which Roman Catholics domiciled in India have made in education since 1838 has been entirely due to the efforts of the Bishops sent here by Gregory XVI. and his two successors, in spite of violent protests and opposition on the part of the Portuguese Government. While that Government has constantly thwarted the efforts of the Holy See to ameliorate the condition of the people of India, under the jurisdiction of the "Padroado" practically nothing has been done or could have been done. The educational results achieved by Roman

* As an example of the sentiments of the Portuguese Government may be quoted an official letter addressed by the Portuguese Minister of Foreign Affairs on the 29th December, 1870, to the Portuguese Ambassador at Rome, in which the former speaks of "the tenacity of the Holy See" in seeking to abolish the "Royal Placet *in the regions, where we do not exercise temporal sovereignty.*" (See *Livro Branco*, above quoted, 1st part, p. 79.) In 1884 the present Archbishop of Goa was censured by the Portuguese Government for publishing the Bull *Humanum genus* without the Royal "Placet," and on that occasion the orders of 1863 **(Appendix F) were renewed.**

Catholic institutions have frequently been praised by the Government of India, and the Colleges of the Society of Jesus at Trichinopoly, Calcutta and Bombay are second to none. In all the Missions, except those subject to the "Padroado," Colleges and Schools of all sorts for both sexes have been established, and their number is increasing every year. It is quite otherwise in the Missions of the "Padroado." Even in Goa itself, the centre of that jurisdiction, there are only, to quote the late Archbishop of Goa, * "*some few primary schools or rather* "*some pretences at schools, without furniture, without books, managed by* "*masters meanly paid.*" The Archbishop adds, "*female instruction is completely* "*abandoned and neglected: we have finally entire provinces, such as those of the* "*Novas Conquistas, as barbarous, as rude, as ignorant as when they were ruled by* "*the Rajas.*" If such is the state of affairs in Goa itself after nearly four hundred years of Portuguese rule, your Lordship may conclude how little the authorities of the "Padroado" will ever be able to do for the social and educational advantage of the Christians scattered over a vast extent of British territory, who under the Concordat have the misfortune to find themselves subject to the ecclesiastical domination of Portugal. Even in places where the Double Jurisdiction exists, the "Padroado" authorities do practically nothing for education, and for such education as they possess, its subjects are generally indebted to the schools of the other jurisdiction. In nearly all places where the "Padroado" stands alone, the people have hitherto been left in ignorance. Your Memorialists urge that it is distinctly for the advantage of good government in India that so large a number of native Christians should be raised from their backward condition. It is true that the Bishops of the "Padroado" are now making some attempts to open schools, but without means and capable men little or nothing can be done. The Portuguese Government has destroyed the ordinary Missionary machinery of the Church in suppressing religious communities, and it is now left absolutely without clergy for its own possessions in Africa and elsewhere. It promised the Holy See in 1886 to send European Missionaries to India. It has sent two or three for each of the four Dioceses, where hundreds are required, not merely for pastoral duties but for the schools, the orphanages, and the other institutions it solemnly engaged itself in the Concordat to found and maintain. By the sixth Article of that document, it is bound to "co-operate "efficaciously with the Bishops for the foundation of schools, orphanages and "other institutions necessary for the good of the faithful and the evangelisation "of the heathen." Though your Memorialists can never be reconciled to the

* Letter addressed by the late Archbishop of Goa (Dom Ayres de Ornellas) to the Portuguese Ministry on the 1st September, 1879. See *Livro Branco* above mentioned, 1st part, p. 223.

"Padroado" and the restrictions it implies, that institution would be less odious to them than it is, if the Portuguese Government was willing and able to comply with the engagements into which it has entered. But there is no sign of any serious intention on its part of doing so, nor can it be supposed that, even if it had the will, it has the power to do in British territory what it is unable to do even in its own possessions. The moral abandonment in which the Portuguese possessions in Africa find themselves is notorious, and it has constantly been deplored by Portuguese prelates and statesmen. Your Memorialists, judging from the traditional mode of action peculiar to the Portuguese Government and from what they observe at present, have reason to believe that in the territories assigned to the "Padroado" the Christian community will make no advance, and that in those districts, such as Tanjore, Mannargudi and Negapatam, which are transferred to it from the jurisdiction of the Bishops appointed directly by the Holy See, there will be a rapid deterioration, and the educational and benevolent institutions, which have gradually been established by the efforts of the Missionaries and of the people themselves and sometimes with the assistance of the British Government, will soon fall into decay and ruin.

16. The amount expended annually by the Portuguese Government on the "Padroado" outside Portuguese territory is believed to be about sixty four thousand rupees. Sixty four thousand three hundred and nine rupees, one anna, was the amount specified in the Budget of Goa for 1887-8. The amount spent annually by the British Government in India on Roman Catholic establishments is nearly three lakhs of rupees * and this amount does not include expenditure on buildings.

Your Memorialists desire to point out that, on the one hand, the Portuguese Government, in consideration of its meagre expenditure, claims the right to appoint Bishops in the territory of another, to fill all benefices with its own nominees, to regulate the internal administration of the Dioceses, to determine what Papal documents the Bishops may or may not publish, to interrupt the free intercourse of the Bishops with the Holy See, and it regards the institutions, to which it has only in a small degree contributed, as its own property although in British territory : on the other hand, Her Majesty's Government, which contributes a sum of money towards the support of the Roman Catholic Church four or five times larger in amount than the sum given under many odious restrictions by the Portuguese Government, claims no right of "Patronage" or property, leaves the Supreme Pontiff free to appoint the Bishops of His

* *Report of the Finance Committee*, 1886, Vol. II. p. 148 ; Calcutta, 1887.

choice, and in no ways interferes with the religious liberty of the Bishops and Missionaries, but rather welcomes them and assists them in their labours.

17. Your Memorialists will not weary your Lordship by detailing the many local grievances which the Concordat of 1886 has created. But they may mention here the details of one case in which they respectfully submit Her Majesty's Government has an interest. They refer to St. Patrick's Orphanage at the Adyar, south of Madras. This institution was established in 1840, and is intended for the destitute Orphans of Europeans and East Indians. It is under the management of a religious community, an Irish Order well-known under the name of the "Brothers of St. Patrick," and it shelters at the present time 210 boys, who receive a sound education and are also taught trades, such as shoemaking, tailoring, carpentry, smith's work, &c. The Government of Madras has frequently recognised the utility of this admirable institution, which since its foundation has brought up some 1,500 destitute boys and started them in the world. The Government has also contributed largely to its support, and has borne about one-third of the annual expenses. This Orphanage was originally located in Black Town, Madras, but in 1885 it was removed to the Adyar, where the Archbishop of Madras had succeeded in securing a valuable and suitable property for the moderate sum of Rs. 20,000. A further sum of Rs. 10,000 had to be spent in repairing and adding to the buildings. Towards these expenses the Madras Government gave a grant of Rs. 8,659. In point of situation and in every other respect the property is admirably adapted for its purpose, and since its removal to its present site, the Orphanage has been able to extend its operations, to develop the system of technical instruction desired by Government and to maintain the boys in perfect health. Unhappily it was not foreseen at the time the removal was made, that the Portuguese Government would bring it about that the site would fall within the territories assigned to the "Padroado," and your Memorialists are now threatened with the breaking up of one of the most useful and benevolent institutions in Madras. The Portuguese Government is insisting on the removal of the Orphanage. It is true it is inclined to offer some compensation in money, but it is impossible at the present time to find within the Diocese of Madras any suitable position for ten times the amount of compensation offered, and the removal of the Orphanage is equivalent to its ruin. Your Memorialists submit that the British Government should exercise its right to interfere in the matter. The Orphanage has been founded and maintained partly by Government contributions on certain implied conditions, and the Government reasonably expects that those conditions will be fulfilled. The Roman

Catholics of Madras, who have also helped to found and maintain the institution, see no reason why they should be deprived of it. Many concessions have been made to the Portuguese Government in the shape of "exempted" churches, situated within the territory of the Diocese of Madras, but that Government will not tolerate the existence of this beneficent institution within the territory allotted to the "Padroado" by the recent Concordat.

18. Another local grievance exists in the arrangements made under the Concordat for the Chaplaincy at the Military Station at St. Thomas' Mount. This matter has been referred to at some length in the Memorial of the Bombay Catholic Union, and it will suffice here to point out that it is somewhat anomalous that the Chaplain of British troops should be a sort of official of the Portuguese Government, and to add that the arrangement is distasteful to the soldiers, although your Memorialists feel sure that the Portuguese Bishop of Mylapore will make as good a selection for the appointment of Chaplain as he can with the one or two European priests he has at his disposal.

19. Your Memorialists desire also to invite your Lordship's attention to the special grievances of the Christians of Tanjore, Mannargudi and Negapatam, as detailed in Appendix B. Under the terms of the Concordat, which in this respect has not as yet been executed, these Christians are to be deprived of their present pastors and to be placed under the rule of the "Padroado." For over half a century they have enjoyed the ministrations of devoted Missionaries of the Society of Jesus, almost all of them belonging to the French nation, and to these is due the advancement the Christians have made in education and other respects. Churches, schools and other institutions have been founded and maintained by the Missionaries, whose efforts have been seconded by the Christians themselves. While these Christians are opposed strongly to the "Padroado" on the same general grounds as your Memorialists, they are opposed to it also on account of special local reasons, for they cannot but believe that, with the execution of the Concordat, all progress will be arrested, and existing good works, the fruits of long labours and many sacrifices, will come to an end. The "Padroado" has no Missionaries at its disposal, and in place of them it is only able to supply natives of Goa, who come temporarily to pass some years in British territory. It is well-known that these Goanese priests are not able to continue the educational works now existing in those localities, much less to extend them, in accordance with ever increasing necessities. Moreover there is no sympathy between the people and these temporary pastors, who seldom acquire a sufficient knowledge of their language. Finally, many of the

churches are legally the property of the people, and though the Government of Portugal is accustomed to speak and write, as if all churches, which come under the "Padroado," were the property of the Crown of that country, it has of course no means of depriving the people of their own buildings. Their property in the same is protected by British law. Nevertheless, the Christians of Tanjore Mannargudi and Negapatam ask for something more than this, for they consider such protection to be inefficacious, if Her Majesty's Government allows it to be brought about that the buildings they have erected should cease to be used as they are at present. Without Missionaries, these churches, which represent many sacrifices on the part of their owners, must fall into comparative disuse, and it is small consolation to the people to know that they retain a right of ownership in buildings which remain closed. Their grievance is similar to the grievance of the Roman Catholics of Madras, who in consequence of the Concordat are expecting to see the Adyar Orphanage broken up (para. 17).

20. Your Memorialists here take the opportunity of declaring emphatically that they have no objection to any Missionary whatsoever on account of his nationality, be it Portuguese or otherwise. On the contrary, they wish to express their deep obligations to the foreign Missionaries and to foreign nations for the sacrifices they have made on behalf of the Missions in India. In the whole world it would not be possible to find a more devoted, learned and exemplary clergy than the Missionaries, who labour in this vast country, and few of them are British subjects. The value of the services of these foreign Missionaries has frequently been recognised by Her Majesty's Government, and to non-Catholics, Government officials and private persons, the life and work of the Roman Catholic Missionary in India are constant subjects of praise and admiration.* Your Memorialists are neither so ungrateful nor so foolish as to wish to see British subjects take the place of foreign Missionaries now or at any other time. And for the present and future needs of the Missions, the Christians of India will most gladly welcome Portuguese Missionaries, and as a matter of fact they have always done so, in the case of the few Missionaries of that nation, who have come from time to time in recent years to labour in India outside the sphere of the "Padroado." It is the interference of a Foreign Government, to which your Memorialists object; it is the religious restrictions which that Government imposes on Christians in British territory and the enforced conversion of prelates and priests into its agents. This Memorial has demonstrated to your Lordship the large

* The nationality of the European Missionaries in the various Dioceses of India, exclusive of Burma, is principally as follows:—Calcutta and Lahore, Belgians: Bombay and Poona, Germans: Madras, Irish and Dutch: Agra, Allahabad, Hyderabad, Kishnagar, Mangalore, Quilon and Verapoly, Italians: Coimbatore Mysore, Nagpore, Pondicherry, Trichinopoly and Vizagapatam, French.

claims made by that Government on account of old history and in consideration of the meagre sum it devotes to religious purposes in India, an amount not remitted from Portugal, but obtained from the taxation of the people of Goa. And as regards the number of European Missionaries it has sent from Portugal during the last fifty years, your Memorialists are probably exaggerating the number, when they state that it cannot have exceeded twenty-five, an average of one in every two years, to meet the needs of an immense number of neglected Missions. To justify its monstrous claims, the Portuguese Government has practically done nothing. It has spent neither money nor men, though it has frequently tried to persuade the Holy See to subject the Missionaries and Religious Orders existing in India to its ecclesiastical jurisdiction, in order that it may enjoy its "Patronage" at the expense of other nations, more generous and more capable than itself. With such a line of conduct your Memorialists contrast the deeds of the people of France. That nation during the last fifty years has sent many hnndreds of devoted Missionaries to India and has liberally supported them and their works, but the French Government has never on that account claimed a right of interference. The number of French Missionary priests now in India is not less than 260, while the European priests of the "Padroado" probably do not number twelve for four large Dioceses. Italy, Belgium, Germany and Holland emulate the example of France, and there are now in India (exclusive of Burma) some 582 European Missionaries to compare with some twelve of the "Padroado." It is only the Portuguese Government which trades upon religion in India, and the "Padroado" itself deprives India of Portuguese Missionaries, for even in Portugal it is not easy to find ecclesiastics willing to submit themselves to the unenviable position in which their Government desires to place them.

21. Your Memorialists have no wish to deprive any of their co-religionists of priests of their race or of the pastors who are acceptable to them, but they cannot omit to point out that at any rate, in the Madras Presidency there are no resident Christians, that use the Portuguese language, except a rapidly diminishing and small number in the neighbourhood of Cochin, and even the Indo-Portuguese priests themselves, who come from Goa, have a very imperfect knowledge of that language, which is not their vernacular. Among the Christians of Tanjore, Mannargudi and Negapatam, to whom allusion has been made above, there is probably not a single person of Portuguese or Goanese descent.

22. It is needless to point out that the Portuguese Government has no rights in British India, which can be based on International Law, but, before

bringing this Memorial to a close, your Memorialists desire to point out that the Portuguese Government itself has formally admitted that Her Majesty's Government has merely consented to tolerate the "Padroado" on certain conditions, and has determined that if these conditions are broken, as they have been persistently, it will interfere. When the Portuguese Government was negotiating for the present Concordat, on the 21st September, 1885, the Portuguese Minister, Senhor Jose Vincente Barbosa du Bocage, wrote * as follows to the Portuguese Ambassador at Rome :—

"England will not interfere in the arrangements which are made between "the Portuguese Government and the Holy See, *if they do not violate the liberty* "*of conscience of its subjects, if they do not disturb the public peace, if they do not* "*greatly modify the actual state in regard to the number and extent of the* "*Dioceses.*"

If these are the sentiments of Her Majesty's Government, your Memorialists beg leave to urge that they have conclusively proved the existence of every one of the conditions admitted by the Portuguese Government itself as justifying the interference of the British Government. The liberty of conscience of British subjects is violated by the interference of the Portuguese Government in spiritual matters, as shewn especially by its application of its Royal Placet in British India to documents emanating from the Holy See, and by its hindering the Bishops from direct communication with His Holiness the Pope. The public peace has been disturbed for over fifty years by the agents of the "Padroado," as demonstrated in the Memorial of the Bishops (Appendix **A**) and by an infinite series of criminal and civil processes in all the three Presidencies. The actual state, existing in 1885, has been greatly modified, as regards the number and extent of the Dioceses, by the Concordat of 1886. To the Archbishopric of Goa has been assigned a large portion of British territory, including the Military station of Belgaum. An entirely new Diocese has been created in the Bombay Presidency. The Dioceses of Mylapore, and Cochin, suppressed since 1838, have been revived. To the first have been assigned places where the "Padroado" jurisdiction was unknown, and the jurisdiction of the British Archbishop of Madras has ceased over the Military station of St. Thomas' Mount. New territories have been added to both Bishoprics, and the number of persons subject to the "Padroado" outside Portuguese possessions has been greatly increased, according to the figures given by the Portuguese Government in the *Livro Branco* above mentioned. Large numbers of British subjects against

* See *Livro Branco*, above mentioned, part II, p. 135.

their wish have been transferred to the "Padroado," and the Portuguese Government appears to be unceasing in its efforts to maintain and extend the Double Jurisdiction, which has been the cause of so many crimes and disorders. The Portuguese Government can therefore have no ground even of complaint, if the Government of Her Majesty now enters into negotiations with the Holy See regarding its own subjects in its own territory, and if it intimates to Portugal that her Patronage, which has only existed on sufferance must now cease. It is not for your Memorialists to suggest to your Lordship the actual steps to be taken in the matter or the desirability of negotiations with the Holy See. Possibly a simple intimation to the Crown of Portugal would suffice. In para 11, your Memorialists have alluded to the fact that the Portuguese Government has taken advantage of the silence of the Christians of India to represent them to the Holy See and to the British Government as favourable to the "Padroado." Your Memorialists are willing to believe that in this respect the Portuguese Government itself is deceived, and that if the sentiments of the people of this country can be made plain to it, it will cease to press upon British subjects, against their will, a "Patronage" disliked by them and fraught with many evils.

23. In praying for its abolition, your Memorialists sum up by urging that —

(1.) The Ecclesiastical Patronage exercised by the Portuguese Crown in British India is not exercised in accordance with the conditions, under which in past times Her Majesty's Government consented to tolerate it, for

(*a*) It interferes with liberty of conscience

(*b*) It disturbs the public peace, and

(*c*) The number and extent of the Dioceses subject to it have been increased.

(2) It is objectionable on political grounds, and a perpetual cause of embarrassment to the civil authorities.

(3) It is distasteful to the people affected, and opposed to the wishes and policy of Her Majesty's Government.

(4) It is the cause of doubts as to the validity of marriages.

(5) No Foreign Ecclesiastical Patronage is tolerated elsewhere in British possessions, or by any other Power.

(6) Its existence is due to misrepresentations and misunderstandings.

(7) It is an obstacle to the social advancement of large bodies of native Christians.

(8) Its abolition involves no existing rights.

(9) Its extension is detrimental to existing institutions of education and benevolence, which the British Government has helped to establish.

On these and other grounds your Memorialists pray for its abolition.

24. This Memorial is forwarded to your Lordship through His Excellency the Governor of Madras, with a prayer to His Excellency that he may be pleased to recommend the petition to the speedy and favorable consideration of your Lordship and of Her Majesty's Government. A copy of this Memorial will also accompany the address which your Lordship's Memorialists are about to forward to His Holiness the Pope through His Excellency Monsignor Ajuti, Apostolic Delegate of the Holy See in the East Indies.

25. Finally having regard to all the circumstances and reasons detailed above, your Memorialists respectfully beg that your Lordship may procure the cessation of the Portuguese Patronage in British India, at as early a date as possible, so that Catholics resident therein may enjoy the same freedom from civil interference in religious matters as their co-religionists enjoy in England and in the other Dominions of Her Majesty.

And as in duty bound your Lordship's Memorialists will ever pray.

Joint Honorary Secretaries.

Madras, *October*, 1890.

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Appendix.—A.

Memorial of the Bishops of the Madras Presidency to the Secretary of State for India, praying for the abolition of the Portuguese "Padroado." 15th August, 1883.

To the Right Honorable the Secretary of State for India in Council.

May it please your lordship,

We, the undersigned Bishops of the Roman Catholic Church in the Presidency of Madras, beg to represent to your Lordship that for many years our flocks have suffered great annoyances from persons belonging to what is known as the Portuguese jurisdiction of Goa.

These annoyances have taken the form of unjust accusations before tribunals, of personal violence offered to members of our flocks, the violent seizure of premises subject to our control, attacks on persons engaged in ceremonies of religion and open conflicts in the street, in which both sides have been to blame.

We willingly acknowledge the general readiness on the part of the authorities to do us justice when appealed to by us, but we beg to represent to your Lordship, that no rendering of justice in particular cases can compensate us for the expenditure of time and money, the anxiety and watchfulness, and the scandal which this state of conflict necessarily brings with it. We therefore appeal with confidence to your Lordship trusting that you will take such measures to free us from the aforesaid annoyances, as you may deem advisable.

The proposal to establish a Bishop of Portuguese jurisdiction at S. Thomè within the Municipal district of Madras makes us fear that an occasion will be taken for a renewal of the disorders by which the tranquillity of our flocks has been so often disturbed and leads us to deem the present a suitable opportunity for having recourse to your Lordship.

Although we speak only of the districts under our charge, we are aware that such disorders have not been confined to them alone, and that the Government of Bombay has had frequent cause to complain of the trouble caused by the same claim of Portuguese Patronage.

It would be unbecoming in us to pretend to suggest to your Lordship reasons of State for putting an end to this abnormal and unexampled condition of the Catholic Church in India, but we may be allowed to mention one effect of the present system which as long ago as the year 1818 was brought to the notice of the Govern-

ment of Bombay and is to a great extent still constantly before our eyes. It is that those who are in this manner brought under the influence of Portugal, instead of melting down into the general mass of British subjects, form a separate caste by themselves, spread over a large portion of India and permeating all ranks of society, alien from the rest of Her Majesty's subjects in sentiment and affection, and priding themselves on being Portuguese.

The facts stated in the appended pages will serve as examples of the evils which we feel it our duty to bring before your Lordship. In submitting them we feel bound to say, that considering that we have to deal on the one hand with a thoughtless and impulsive people liable at any moment to be led away by a party leader who appeals to their fancies, and on the other with a clergy alien in national sentiment and education from our own and united by a zeal to extend the influence of Portugal in these countries, we are convinced that, as long as the present system is allowed to continue, a repetition of these disorders will be inevitable.

We, therefore, pray that your Lordship will be pleased to take such steps as may be deemed advisable to procure the cessation of the Goanese jurisdiction and the abandonment by the King of Portugal of his claim to the right of Patronage in British India.

We have the honour to remain,
Your Lordship's obedient servants,

✠ Fr. Leonard Mellano, Arch. of Nicomedia, and Vicar-Apostolic of Verapoly.[1]

✠ A. Canoz, S. J., Bishop of Tamassus, and Vicar-Apost. of Madura.[2]

✠ J. M. Tissot, Bishop of Milevis in Numidia, and Vicar-Apost. of Vizagapatam.[3]

✠ Fr. Laouenan, Bishop of Flaviopolis, and Vicar-Apost. of Pondicherry.[4]

✠ Fr. Ildephonsus Borgna, Bishop of Amyzon, and Vicar-Apost. of Quilon.

✠ J. Bardou, Bishop of Telmissus, and Vicar-Apost. of Coimbatore.[5]

✠ Marcellino Berardi, Bishop of Parium, and Coadj. of Verapoly.

✠ J. Y. M. Coadou, Bishop of Chrysopolis, and Vicar-Apost. of Mysore.[6]

✠ P. Caprotti, Bishop of Abydos, and Vicar-Apost. of Hyderabad.[7]

✠ J. Colgan, Bishop of Aureliopolis, and Vicar-Apost. of Madras.[8]

N. Pagani, S. J., Pro-Vicar-Apost. of Mangalore.[9]

Madras, 15*th August*, 1883.

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1. Now Archbishop of Verapoly. 2. Afterwards (1886) first Bishop of Trichinopoly, died 2nd December 1888. 3. Afterwards first Bishop of Vizagapatam, died September 1890. 4. Now Archbishop of Pondicherry. 5. Now Bishop of Coimbatore. 6. Afterwards first Bishop of Mysore, died September, 1890. 7. Now Bishop of Hyderabad. 8. Now Archbishop of Madras. 9. Now Bishop of Mangalore.

1. **Trichinopoly, 1839.** A serious riot took place at Trichinopoly in 1839. The Catholic church being in the hands of the Goanese, then schismatics, was invaded by a large body of Catholics. The Sub-Collector was pulled from his horse and narrowly escaped with his life. The matter was investigated by the Magistrate and several of the rioters were condemned to hard labour. Father Garnier, the Catholic priest, as Military Chaplain, was tried by Court Martial for having instigated the rioters and was honourably acquitted.

2. A little later the same Father was accused before the Magistrate of having led 500 men to the door of the church with the intention of breaking it in. He had no difficulty in proving the falseness of the charge.

3. **Tuticorin, 26th July, 1839.** On the 26th July, 1839, a breach of the public peace took place at Tuticorin. The Head-man of the caste, who had identified himself with the Goanese cause, struck the Rev. Father Gury and closed against him the door of the church with the intention of introducing a Goanese priest therein.

4. However, to avoid the actual troubles he was threatened with, and to gain time for a more successful blow, he, at the time, made a feint of submission to the Vicar-Apostolic, Mgr. Drusipare. The Catholic Missionary was called back to the church and retained possession of it until the year 1841, when, on the occasion of a great festival, the door was again closed against the Rev. Father Castanier. This gentleman was going thither to perform his spiritual duties and a large gathering of his Christians was following him. A single word from the Catholic Missionary to the assembly would have been sufficient to enable him to force his way into the church. But he refrained for the sake of peace. He was however charged before the Magistrate with having caused a disturbance. Father Castanier and some of his Christians were bound over in various sums to keep the peace, and they were not permitted to enter the church without the consent of the Goanese. Some months after, Mr. Montgomery, the Magistrate, discovered his mistake and *viva voce* made an apology to the Rev. Father Castanier, but it was too late to overthrow the sentence. From that time 3,500 Catholics were deprived of their church and their burial-ground.

5. This adjudication created innumerable quarrels and complaints. At each burial amongst the 3,500 Catholics the funeral cortege used to be assaulted by the Goanese party, until the Vicar-Apostolic put an end to further disputes by providing a separate burial-ground for his congregation on two pieces of land, which he succeeded in acquiring for that purpose.

6. **Periataley, 27th Sept., 1844.** The troubles were subsiding in Tuticorin when the Goanese party made a move towards Periataley, 40 miles to the south. On

this occasion there were no assaults, as in the absence of the Catholic priest the Goanese priest obtained from the sacristan the keys of the church and thus clandestinely took possession of it.

7. On the Rev. Father Castanier complaining to the Magistrate, Mr. Elton, the case was referred to the Court at Madras. The Court's decision was that as no disturbance had taken place at the time the church had changed hands, the possessor was to be left in possession of it. As soon as this decision became known, the people grew excited and petitioned the Magistrate to prevent the entry of the Goanese priests into the church. On enquiry the Magistrate, Mr. Thomas, having satisfied himself that great disturbances would take place were the Goanese priest permitted to occupy the church, ordered it to be closed and the doors to be sealed.

27th April, 1848. The case having been referred to the Government of Madras, the Governor in Council approved of the course taken by the Magistrate. The church consequently remained closed to the congregation for four years. It was only when the whole population had unanimously petitioned the Magistrate, that the church was re-opened and made over to the Rev. Father Castanier.

8. **Puneikael.** At Puneikael, ten miles from Tuticorin, in the absence of the Catholic priest, the Goanese party closed the Catholic church, took from the sacristy all the gold and silver vessels and concealed them in private houses. The Rev. Father Gregoire complained to the Magistrate, Mr. Willingham; the church was re-opened to him, the sacred vessels recovered and the guilty parties punished.

9. Tuticorin, 10th June, 1849. At Tuticorin, the Head-man of the caste on the occasion of his daughter's marriage, summoned all the influential persons of each village, from Tuticorin down to Cape Comorin and invited the attendance of five Goanese priests. During solemn Mass one of these priests addressed that large assembly from the pulpit, inculcating rebellion against the Vicar-Apostolic and his clergy, as a duty of conscience prescribed by the obedience due to the King of Portugal and to his substitute, the Head-man of the caste at Tuticorin. So solemn an appeal made to a mass of people assembled from so many villages, had the effect of a brand thrown upon a heap of inflammable matter and produced the following results:—

10. Puneikael. At Puneikael where the troubles had been put down by the Magistrate's decision, there was a revival of discord and hatred. The Goanese party aimed a desperate blow at the Catholics. Without any provocation the latter had, on a sudden, their homes assaulted by a mob, their wives insulted and their houses pillaged. This was at night. A native Magistrate was informed of all this. He came at once and found the Goanese party still in the act of pillaging. A search was made immediately, and a great part of the missing property recovered, the delinquents were hand-cuffed and conducted to the Court. It was on their way that they met the

Rev. Fr. Verdier coming from Palamcottah. They threw themselves at his feet asking for pardon and mercy. The Rev. Father Verdier went at once to inform the Magistrate, Mr. Child, of the possibility of restoring public peace by shewing mercy to the guilty. The Magistrate kindly consented to stop further proceedings. A full reconciliation was established between the inhabitants of Puneikael to the Magistrate's satisfaction, and peace was restored.

11. The village enjoyed that peace for seven years, when division again burst out on account of fishery privileges claimed by one portion of the inhabitants and contested by the other. The Goanese priest and his adherents took occasion of this dispute to revive the religious quarrels regarding the King of Portugal's Patronage.

12. Virapandiapatam. At Virapandiapatam, 8 miles south of Puneikael, the persons who had attended at the above mentioned appeal to rebellion, shut up the Catholic church in their village. The Magistrate, Mr. Bird, sealed the doors, which remained closed until the 29th April 1851. Besides being thus deprived of the use of their church, the Catholics were declared outcasts, and were unable to buy or sell, to have their graves dug, linen washed and even unable to have themselves shaved, a great injury in this country. By this declaration many Catholic families were ruined. Later on, however, on the 28th September, 1849, the barbers were fined for refusing their services, but the instigators of the declaration escaped punishment.

13. Manapad. At Manapad, 12 miles further south, the public peace suffered still more severely from the consequences of the Goanese priest's sermon at Tuticorin. A funeral procession of Catholics was assaulted in the public street. The cross was thrown down and broken and the dead body left in the street until the arrival of the police. The authors of this disgraceful disturbance were examined and punished by the Magistrate, Mr. Levinge. **(11th October, 1850.)**

14. 9th February, 1851. Some months after the above riot, the Rev. Father in charge of the congregation was informed that another assault on a nuptial procession was contemplated by the Goanese party. He gave information to the Magistrate, Mr. Bird, and asked for two policemen to prevent a breach of the public peace. The only answer given to this written communication was an order to shut up the three Catholic churches and the cemetery of the Catholic congregation at Manapad. The native Magistrate sent to execute this order added to its severity by calling as auxiliaries the very persons accused of having planned the assault. They were allowed **(10th February)** to escalade the wall of the compound of the priest's house, to force their way into the house itself to take therefrom the priest's palanquin and carry it

into the church to be shut up therein. The priest was then ordered to leave his house and, on his refusal, sentinels were posted at each door. When informed of these illegal doings the Magistrate suspended **(18th February)** his subordinate and fined him. He refused, however, to reopen the churches or the cemetery, although cholera was raging in Manapad at that time. The Rev. Father had to purchase a piece of land and provide his congregation with a burial-ground, wherein twenty persons, who died of cholera, were buried in a very short time. The Rev. Father made an appeal to the Sessions Judge, Mr. Douglas, who cancelled the Magistrate's order and directed him to re-open the three churches and the cemetery and made them over to the Catholic priest. **(17th September 1851.)**

15. 2nd May 1854. On the 2nd of May, 1854, the Goanese committed a most daring and sacrilegious assault by attacking a religious procession, plundering numerous silk banners and silver and ivory emblems. They succeeded in gaining to their cause the native Magistrate and all his subordinates and then preferred a complaint against the Catholic priest and twenty of his Christians, charging them with having perpetrated the crimes of which they themselves were guilty. Fortunately the Magistrate, Mr. Child, was able to discover the plundered property in the house of one of the Goanese and after full proof of their guilt he passed severe sentences on the native Magistrate, the village Munsiff and several persons of the Goanese party. On the 21st February, 1857, the *Concordat* between the Pope and the King of Portugal was signed, but matters became no better.

16. Puneikael 1857. The Goanese party had asked the Government for a piece of ground on which to build a church at Puneikael. This had been refused on account of the troubles which it was foreseen would arise from it. They then tried by force to take possession of the Catholic church of St. Mary Magdalen in that town. They were convicted and fined by the Magistrate **(22nd April 1875.)**

17. Manapad. At Manapad, owing to false statements of the Head of the Goanese party, who wished to show his authority over the Catholics, the Sub-Magistrate ordered the priest to open the church to him or to deliver up the keys under pain of arrest. On the truth being explained to the Chief Magistrate, he cancelled the order and directed his subordinate to apologize to the Rev. Father. **(22nd September 1859.)**

18. Periataley. The Head of the party thus frustrated in his designs sent emissaries to Periataley, 8 miles from Manapad, where peace had reigned for ten years. Through their machinations some people were persuaded to refuse the fees usually paid to the church for marriages or burials and proceeded to break open with violence the gates of the cemetery for the purpose of instituting civil burials. This was done

as a pretence to obtain from the Government a separate piece of land, for the purpose of building a church in support of the Patronage of the King of Portugal.

19. **February 1860.** To strengthen their cause, a dead body was placed in front of the Catholic church, where the Magistrate might see it. On inquiry the Magistrate discovered that the whole story was a deception and that burial had never been refused. He consequently refused their petition and severely reprimanded the Head of the party, threatening to bind him over to keep the peace, and he left a policeman in the village to prevent disorder.

20. **March 1865.** From this time, peace was preserved for five years, when a Goanese priest came in person to Periataley, took forcible possession of a piece of land belonging to the Catholic church, and caused a burial to be made therein, in spite of the public protestation of the Catholic priest.

21. From the Magistrate the case was referred to the High Court of Madras, which issued a strong prohibition to the Goanese party, not only to refrain from burying on the land in question, but also to refrain from interfering in any way with it. This order having been disregarded by the Goanese and the police also having been insulted by them, the rioters were prosecuted by the police before the Magistrate, Mr. Underwood. In order to escape punishment, by giving their proceedings a color of right, one of the prisoners began a Civil suit in the District Munsiff's Court of Strivigundum for the possession of the above-mentioned land. Judgment was pronounced in favour of the Catholic church. This judgment was subsequently confirmed by the Zillah and High Courts, on appeals preferred by the Goanese party.

22. These proceedings lasted nearly four years. During that time the Goanese party violently dispossessed all the tenants cultivating the lands of the Catholic church and took possession of the lands. The matter was brought before the Civil Court and the priest succeeded in recovering the several pieces of land, which had been forcibly taken from him by the Goanese party. Such was the excitement, that for a period of five years Periataley was transformed into an arena of combatants, and almost each day was marked with a breach of the public peace.

23. **Obary.** The great champion of the Portuguese Patronage, a Goanese priest named Pinto, not satisfied with the disturbances of Periataley went to Obary, 7 miles distant from Periataley, where he kindled the fire of revolt against the Vicar-Apostolic and caused disturbances which up to this time are giving endless trouble to the Courts both Civil and Criminal, as may be seen from their calendars.

24. During the last twelve months there have been three or four cases of riot before the Criminal Court, besides Civil processes, all arising from the same cause. On one occasion, the Goanese went into the Catholic church during the time of

prayer, struck the catechist and the sacristan, and dragged them out of the church. One of them was so much hurt that he was obliged to remain above three weeks in hospital. The case is still before the Court.

25. Calliditidel, 1865. In 1865, in the province of Madura, at Calladitidel, an ill-behaved Christian, in order to wreak his vengeance upon the Missionary, passed over to the Goanese party together with several others. He set fire to the catechist's house. Then followed plunder, open violence and other disorders of a like nature. Great discord prevailed in the village and lasted for two years owing to the instigations of the rebellious party.

26. Tiroopattoor, 1866. In 1866 at Tiroopattoor a woman, Pariah by caste, turned against the Missionary. She sent for the Goanese priest who lost no time in complying with her invitation and forthwith set about taking possession of the church. A body of police had to be called to the spot and surprised the intruders in the very act of taking possession.

27. Tiroopattoor, 1867. In 1867, in the same town, a second inroad was made by the Goanese party. A prosecution was instituted against them in the Sessions Court of Madura and ten of the delinquents had to undergo the penalty of the law.

28. Virapandiapatam, 29th June, 1871. We have seen the village of Virapandiapatam recovering its church and peace on the 29th April 1851. Twenty years later the Goanese priest of Tuticorin accompanied by the Headman of the caste came back to the village and contrary to the *Concordat*, turned a house into a chapel, and on the 29th June 1871, inaugurated therein a schism which was followed by a disturbance. Frequent fires burst out in the village, till at last the large Catholic church of the place was burnt down. The incendiaries were never discovered.

29. Calladitidel, 1875. In 1875 at Calladitidel again a general revolt took place against the Missionary in consequence of his performance of his duty. The seceders were received with open arms by the Goanese priest. The neighbouring villages joined the revolt. The chief instigators closed the church against their Missionary and it was not until after a criminal prosecution that this scandal was at length brought to an end. Six of the guilty were sent to jail.

30. Sooseyperpatam and Andisourani, 1876. In 1876 at Sooseyperpatam and at Andisourani the same scandal was renewed : the same claims, the same obstinacy, the same passing over to the Goanese clergy. Twice the conflicting parties were on the point of a bloody battle even inside the church. The police were constantly on the look-out. This state of things lasted for two years.

31. Kulliculam, May 1876. In the month of May another Goanese priest, Mr. Bout, set out from Manapad for Kulliculam, a distance of 30 miles, with a crowd of people armed with cudgels and a gun to take by assault the Catholic church of the place. Twice the assault was attempted and twice it was repulsed by the Catholics defending their church. Some of the latter were wounded and carried before a Magistrate, from whom they sought for protection. Mr. Bout and his partisans unable to carry out their plan with success, encamped for a whole month at a short distance from the church with the hope of taking possession of it. They did not withdraw from their enterprise until an injunction was issued from the Civil Court and they were warned by the police, that they would be held responsible for any new breach of peace (**June 1876**).

32. Tuticorin, 12th May, 1877. An event no less discreditable happened at Tuticorin some months after the last mentioned proceeding. A religious procession, while passing near the Goanese church, was on a sudden assaulted by the Head-man of the party in person and a mob rushing out of the Goanese church. The crosses, shrine, images and flags were torn into pieces and trodden upon, whilst the bearers had their ceremonial dresses torn and themselves were beaten, to the great scandal of the Mahomedans, Heathens and Protestants of the place. It appears that other orders had been passed forbidding that processions should pass that way, but they had not been published. And in fact a procession had passed peacefully by that way only a short while before. The Catholics were severely punished.

33. Altoor. From the year 1863 to 1868 the village of Altoor was a prey to constant troubles and dissensions owing to the turbulent spirit of the Goanese minority. These were brought to a close by three criminal and three civil prosecutions.

34. Kilakarey, 1881. In 1881 the village of Kilakarey was the scene of agitation through the same cause. The Catholic priest was insulted and threatened, and a false suit was filed against him, which was however defended without difficulty, and was dismissed by the Court.

35. Peringhipooram, Guntoor District, 1848. In 1848 a Goanese priest made an attempt to create a schism among the Christians of Peringhipooram. This is a large Christian village, 250 miles from Madras in the Guntoor Collectorate, in which and in the sub-stations attached to it there are nearly 2,500 Christians, who were till then under the peaceful jurisdiction of the Vicar-Apostolic. Through the evil influences of a suspended priest, a Goanese priest came there, in the above mentioned year and caused for more than a year great dissensions, strifes and quarrels amongst this hitherto peaceful flock. His adherents being few, and unable to provide him

with either a church or a house, he was forced to leave after sowing the seeds of enemity amongst the Christians, which led to frequents appeals to the Courts of Justice both Civil and Criminal.

36. Rayapooram, 1848. On the 1st of August 1848 in the village of Rayapooram, within the Municipal limits of Madras, where there are over 4,000 Christians, a few families only belonging to the Goanese, an attempt was made and successfully, to bury a deceased member of the Goanese party in the cemetery attached to the church of St. Peter, both till then and for thirteen years under the peaceful jurisdiction of the Vicar-Apostolic. A serious conflict took place on that day between the Catholic and the Goanese party, to the great scandal of all Madras. The body was buried forcibly, about two feet beneath the surface of the ground, and long and tedious suits followed in the High Court at Madras, which, after much expense on all parties, ended in the cemetery being thrown open to all members of the Boatmen caste no matter to which party they belonged. Encouraged by this decision an attempt was made by the Goanese party to wring by force the church and cemetery from the then officiating priest. During his absence a party of men entered the church compound, closed the gates and barricaded the church itself. By order of the Town Magistrate, the police were called on to interfere, and after a struggle of some hours the gates were broken open, as also the church door, the ringleaders taken and brought before the Town Magistrate, who fined them on the grounds of unlawful trespass. For a long period afterwards the officiating priest had to employ men to guard the place from further threatened attack. Since then, the church and its funds have been a constant source of litigation, which still remains unsettled. The funds that were collected, some fifty years ago, for the up-keep of the church and for the maintenance of a priest and church-servants, have been frittered away and a great part spent in heavy law costs. All this we owe to the encouragement given both by advice and money by the priests of the Goanese jurisdiction. According to the 15th Article of the *Concordat* entered into between the Holy See and the King of Portugal, in February 1857, all the churches and Missions that were under the jurisdiction of the Vicars-Apostolic on that date should remain peacefully under them ; yet in violation of the Article St. Peter's church at Rayapooram was occupied for a short time in 1866 by a Goanese priest, but on his death the priest under the jurisdiction of the Vicar-Apostolic was elected to succeed him by a majority of the votes of the Christians. Even last year the acting Vicar-General of the Goanese jurisdiction, when on oath in the High Court, declared his readiness to take over charge of the church, if given to him by a decree of the High Court.

A complaint made to the present Archbishop of Goa on this subject set the matter at rest, as he declared that he was determined to uphold in their full force the

Articles of the *Concordat* of 1857. However enough has been done to show that the present state of things under the double jurisdiction may at any time lead, if allowed to continue, to serious evils amongst the Catholic community.

37. **Sellampalida, 1849.** In the village of Sellampalida, situated about 40 miles from Madras and in the Collectorate of Chingleput, where Christianity was first established in 1780, by a Jesuit priest, Father Arnold, and which till 1849 remained under the peaceful jurisdiction of the Vicars-Apostolic, another attempt was made to create a schism amongst the Christians. Being in debt and unable to pay the rent for their land to Government, a few families in that village applied to the Rev. Mr. Lobo, the then superior of the Goanese Mission at Madras for a loan of 1,200 rupees. This sum he promised to give on condition of their handing over to him the keys of the church and wrenching it by force from the Vicar-Apostolic. On the 10th of September, 1849, during the absence of the officiating priest, a few of the Christians of that village took possession of the church, brought the keys to the Rev. Mr. Lobo and received from him their promised bribe. A complaint was then laid before the Collector of the district by the officiating priest and by his orders the intruders were removed, and the church handed over to him. The Christians who were guilty of this unlawful trespass were fined and made to understand that a repetition of their unlawful conduct would be visited with very heavy penalties. The Christians were now divided into two parties, nor to this day has a union been effected amongst them. As at Peringhipooram, this disunion, fomented by the Goanese priests, has been the cause of quarrels and grave scandals. The few adherents of the Goanese, at present in that village, now earnestly desire to return to the jurisdiction of the Vicar-Apostolic, but, by the terms of the *Concordat*, he is precluded from receiving them.

38. The condition to which the Catholic Church in India is reduced by this double jurisdiction, is a source of great regret to all who have the welfare of Christianty at heart, and who desire to see charity and peace reign, not only amongst Christians in general, but also in Christian families. It is a perpetual cause of dispute amongst priests and their flocks, more especially on the occasion of marriages, when it is hard to determine to what jurisdiction the parties belong, as it sometimes happens that the members of the same family belong to different jurisdictions.

Appendix—B.

The Memorial of the Roman Catholics of Tanjore, Mannargudi and Negapatam.

To the Chief Secretary to the Government of Madras.

Dated Tanjore, 19th March, 1888.

SIR,

With reference to the proceedings of the Madras Government in the Public Department, No. 70 R. dated the 24th January, 1887, I have honour to resubmit the Memorial of the Catholics of Tanjore, Mannargudi and Negapatam, and to request the favour of its being forwarded to the Secretary of State together with this explanatory letter.

2. Exception may possibly be taken to some of the terms of the Memorial, but I beg that it may be remembered that it is the spontaneous expression of the feelings of the signatories, on whose behalf I now forward it, and I venture to add that there can be no doubt of the correctness of the statements it contains.

3. We regret the delay, which has been caused to this Memorial, first, through our failing to submit it through the proper channel, and afterwards by causes not necessary to mention here, but we still seek the intervention of the British Government, more especially as the Concordat, concluded on the 23rd June, 1886 between the Holy See and the Portuguese Government has not yet been put in force in Tanjore, Mannargudi and Negapatam.

4. Some of the evils of the Portuguese "Patronage" in India have already been laid before the Secretary of State in the Memorial of the Bishops of the Madras Presidency dated 15th August, 1883, and I need not therefore repeat them here. I venture, however, to take the opportunity of making a few observations on the Concordat of 1886, in so far as it affects the present Memorialists.

5. Under the terms of the Concordat the Missions of Tanjore, Mannargudi and Negapatam, comprising 50 churches and chapels, several schools and other establishments, without any regard to the wishes of the Christians affected, over 12,000 in number are to be removed from the direct control of the Holy See, under which they have attained their present prosperity, and are, with all their property, movable and immovable, to be attached to the revived Portuguese Diocese of San Thomé, of which the King of Portugal is the Patron.

6. The immediate effects of this change cannot be otherwise than to cause us to be deprived of the services of the Missionaries to whom we are attached, and to place us under the ministrations of natives of Goa, with whom we have no sympathy, and who are little fitted as Missionaries or educationalists to replace our present pastors. Further, we see no reason why churches and schools built by our present priests or ourselves should become an appanage of the Crown of Portugal.

7. It does not become me to point out the possible political inconveniences and perhaps dangers in allowing the Portuguese Government to exercise a Patronage in British territory. These inconveniences have been recognised by many statesmen. I confine myself therefore to another consideration.

8. When the island of Bombay was ceded by Portugal to the British Crown, a treaty was made which stipulated that "the inhabitants should enjoy the free exercise "of the Roman Catholic religion." The British Government has consistently and always and in spite of the demands of certain Portuguese prelates, interpreted this to mean that the Catholics of Bombay were not in any way to be forced to submit to the Portuguese "Patronage," which up to the time of the treaty had been unquestioned in Bombay, but merely that the British Government though disapproving entirely of this foreign "Patronage" would place no obstacles against its exercise, if the people themselves chose to recognise it, in other words, by this treaty the British Government intended to guarantee the religious liberty of its Catholic subjects and nothing more. (*See Documents ordered by the House of Commons to be printed 13th July*, 1814.)

9. Such being the case in a place, which even now contains numerous Portuguese and Goanese, which was formerly a Portuguese possession, undoubtedly under the "Patronage" of Portugal, and which formed the object of a treaty, I now ask will the British Government allow its subjects in places, where it is bound by no treaty at all, to be forced against their wishes and interests to submit to the "Patronage" of the Portuguese Government with which they have not, nor desire to have any connexion whatever. Among the 12,000 persons here affected not one is a subject of Portugal and probably not one is of Portuguese or Goanese descent. We venture to think that the contentment of its Catholic subjects is a matter of interest for the British Government, and we ask our Government to secure to us by its kind intervention the same religious liberty, which is enjoyed by the Catholics of the United Kingdom. We regard our impending subjection to the "Patronage" of Portugal as derogatory to our position as British subjects, and we deem it a degradation to the episcopal office that the Bishops of British territory should be the nominees of a foreign King, instead of being appointed freely by the Pope, the head of our religion.

10. As Catholics we are bound to submit to the Concordat, but we have some reason to believe that the Portuguese Government has no desire to force its "Patronage" upon unwilling persons, and that on the expression of the slightest wish of the British Government, it will withdraw its claims.

I have, &c. &c.

S. DAIRINADA MUDELIAR.

Sheristadar of the Sub-Court of Tanjore.

An appeal to Her Most Gracious Majesty the Queen of England and Empress of India and to all Englishmen through Her Majesty's august Assembly the Imperial Parliament.

To Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland and of the Colonies, etc. etc., Queen, Defender of the Faith and Empress of India,

Sire,

We, the undersigned Catholic Christians of the towns of Tanjore, Mannargudi and Negapatam in the district of Tanjore, Presidency of Madras, India, as well on behalf of ourselves as on behalf of the general public, do hereby beg to be allowed to lay before Her Most Gracious Majesty and generally before all true hearted Englishmen our sense of the calamity, to which we are exposed in the midst of fair-handed English justice, which, in this instance alone, seems to have lost its keenness to detect the attempt to put an affront upon the Majesty of England and thereby upon all free-born Englishmen.

The fact is that negociations are being carried on between the Government of Portugal and His Holiness the Pope, whereby the King of Portugal is endeavouring with all his might at first by fair means and entreaties and failing in these, by threats, to induce His Holiness, to revive in his favour the old and long dead privilege of allowing him the right of extending his protection to the Catholic Christians throughout India in the free exercise of their religion. This right of protection was, no doubt, granted in favour of the Portuguese King, some three or four centuries ago, by the then reigning Pope for the protection of religion and its diffusion in the eastern climes, then discovered for the first time by the enterprise of the Portuguese. The privilege is best understood by the Portuguese expression, the *Padroado*. This privilege had certain conditions attached to it; failing wherein, on the part of the possessor of it, the privilege was lost. The King of Portugal, who had lost it long, long ago, by his

inability to conform to those conditions, excepting within his own colony of Goa on the Western Coast, now, for reasons best known to himself, avails himself of the opportunity of His Holiness' endeavours to establish a Catholic Hierarchy under the liberal and generous protection of the English Government, to extract from His Holiness a revival of his old and dead privilege. But we are astonished to think where and from whom he wishes to protect us, in British India. Is he the suzerain Lord of England to force *her* to do his will? What claim has he to interfere in British Dominions? What claim does he possess over us, British subjects? Is not his claim the most astounding that was put forth by any earthly King? Knowing this as His Holiness does, we are not astonished that He hesitates and hesitates and postpones His good intentions in our behalf. What madness to think of the little kingdom of Portugal to raise its puny little arms against mighty England's Majesty!

We are really astonished at the unheard of audacity; and we have thought fit in our own interests to lay bare this attempt of Portugal before all England. How can we submit to be governed even in a single matter by a foreign Power, British subjects as we are, and enjoying as we do, the benefits of the British Rule and owing loyalty to none other?

We have, therefore, Gracious and August Madam, ventured to make this appeal, confidently expecting that England will never, while it can hold its own, allow any earthly Power to cast such a shame upon it.

We beg to remain,
Most Gracious Queen,
Your Majesty's most obedient, dutiful and loyal subjects.

Novemver, 1886.

[*Here follow* 416 *signatures:* 55 *in English, the rest in Tamil.*]

NOTE.

The above petition was submitted direct in the first instance. It was returned by the India Office through the Madras Government with the intimation that no representations from individuals in India would be entertained by the Home Government unless submitted through the Local Government. It was resubmitted on 19th March, 1888, with the explanatory letter given above. On 11th May, 1888, Mr. S. Dairinada Mudeliar (Sheristadar of the Sub-Court of Tanjore), who signed the explanatory letter, was informed by the Madras Government that the petition would be forwarded to the Government of India for transmission. (Proceedings of Madras Government. No. 339 of 11th May, 1888.)

Appendix C.

Memorial on the Portuguese Royal Patronage over the Roman Catholic Church in British India, written before there was any question of the Concordat of 1886.

1. This Memorial restricted to the political and social aspects of the Royal Patronage. This Memorial is not intended to enter into the ecclesiastical aspect of the Royal Patronage, as interpreted by Portugal, in order to show how it has become extremely detrimental to the discipline and right government of the Roman Catholic Church in British India, nor into a canonical disquisition, to prove how wrongly a gracious privilege granted by the Head of the Roman Catholic Church to the former Kings of Portugal has been turned by their successors into a formidable and injurious weapon against that Church itself; but it confines itself entirely to the social and political aspects of the Portuguese right of Patronage and jurisdiction in British India, under which heads alone the British Government has repeatedly declared itself inclined to take the same into consideration.

2. Four principles for judging the subject. If Her Majesty's Government desire to enter once more on an examination of a subject, which now for a full century has continually claimed its attention, it will be advantageous to review the historical phases of this question in the light of some guiding principles, which in the course of this century have found their expression in the minutes or decrees of several eminent British statesmen engaged in this affair.

The first principle is, that by the Marriage Settlement Treaty of 1661, by which Bombay came into the possession of the English, the British Government has guaranteed to the Roman Catholic inhabitants the free exercise of the Roman Catholic Religion.

The second principle is a merely negative one, namely, that in the same Treaty it was not stipulated that the nomination to ecclesiastical preferments in Bombay was reserved to the Crown of Portugal.

The third principle is, that the right of the Crown of Portugal to a protectorate over the Roman Catholic Church in India ceased with the failure of Portugal to perform the obligations for which that privilege was granted by the Popes.

The fourth principle is, that according to the English Courts of Law in case of dispute about a religious endowment, the property is not to be

adjudicated to the seceding party, but to be applied to trusts in conformity with the doctrine and discipline of the religion to which the founder belonged, and to which the property has originally been dedicated.

The two first principles we shall find laid down by His Excellency the Earl of Aberdeen in his letter to Baron Moncorvo, the Portuguese Ambassador at London, dated 18th September, 1844 ; the third in the letter of the Honorable the Court of Directors to the Governor-General of India, dated 17th September, 1845, and the fourth in the letter of W. Ritchie, Esq., Advocate General, to the Secretary of the Government of India, dated the 17th October, 1860.

3. Proof for the two first principles. The Marriage Settlement Treaty of the year 1621 by which the Portuguese ceded Bombay to the English contains in its eleventh article a provision which the Portuguese and Goanese cite at all times, and have invoked on every occasion when England showed the slightest inclination to remove the exercise by Portugal of a spiritual jurisdiction over the Roman Catholic Churches in British territory. The provision runs thus :

"The inhabitants of the said Island (as subjects of the King of Great "Britain, and under his sovereignty, Crown, jurisdiction and Government) "being permitted to remain there, and to enjoy the free exercise of the Roman "Catholic religion in the same manner as they do at present, it being always "understood, as it is now declared, once for all, that the same regulations shall "be observed for the exercise and preservation of the Roman Catholic religion "in Tangier and in all other places, which shall be ceded and delivered by the "King of Portugal into the possession of the King of Great Britain, as were "stipulated and agreed to on the surrender of Dunkirk into the hands of the "English."

On the last mentioned occasion the British Government agreed to no other stipulation than the grant of the preservation and free exercise of the Roman Catholic religion ; and did by no word or clause acknowledge a protectorate of the King of Portugal over the Roman Catholics of Dunkirk, nor any right of his to the nomination to bishoprics or any other ecclesiastical preferments or appointments. No such Portuguese Protectorate was therefore stipulated by Portugal, or agreed to by England on the surrender of Bombay.

More need not be said in vindication of the two first principles laid down by the Earl of Aberdeen.

4. Proof for the third principle. When Portugal was the first and only European power in the Orient, the Popes granted to its Kings the right of

Patronage in the usual sense of the Roman Catholic Church. Leo X. was the first to do so by the two Bulls of June the 9th, 1514, and March the 31st, 1516. In these the King of Portugal received the right of Patronage over the Churches situated "in the countries already recovered and conquered or to be conquered and recovered in future." (" *In provinciis, terris et locis recuperatis et acquisitis,* " *et in aquirendis et recuperandis in posterum.*") Paul III. erected on the 3rd November, 1531, a Bishopric at Goa, to extend from the Cape of Good Hope till the boundaries of China, but suffragan to the Archbishopric of Funchal, and with the express mention of the titles which the King of Portugal possessed to the Patronship over this first and vast Bishopric in the East, or rather of the East namely, the titles of foundation and dotation. On the 8th June, 1539, the same Pope renewed the concession under the five conditions : of preservation of all ecclesiastical buildings, of provision of all necessary Church articles, of payment of a suitable salary to all ecclesiastical persons, of foundation and dotation of all future churches within the limits of the Bishopric, and of continuance of those payments without any diminution not agreed to by the Bishop of Goa. That these are the usual conditions on which the Roman Catholic Church grants the right of Patronage, including that of nominating the incumbents, is known from Canon Law; and that none of them is fulfilled by the Portuguese Government as regards the churches in British India, is a patent fact.

This is sufficient to support the third principle.

5. **Proof for the fourth principle.** That the fourth principle is rightly stated by the Advocate General of Calcutta can be shown from an abundant number of cases decided by the highest English tribunals. For instance : Lord Romilly, in his judgment in *Bishop of Natal vs. Gladstone*, says : "The rule by " which the Courts are bound is this : If any number of persons either in " England or in any of its dependencies associate themselves together professing " to follow a particular religion, not being the religion of the State, the Court " must, when applied to, enquire into what the doctrines and discipline of that " religion are, and must then enforce obedience to them accordingly ; thus, if " they be Presbyterians, or Independents, or Wesleyans, or Baptists, or the like, " the Court ascertains as a matter of fact on proper evidence, what the doctrines, " ordinances, and rules are by which the particular sect of religionists is bound, " and enforces obedience to them accordingly."

6. **Claim of the Roman Catholics for redress.** Every one who reads the history, and considers the present state of the Roman Catholic Church in India in the light of these four principles, which rest on justice and equity as

well as on the authority of the ablest British statesmen and judges, must come to the conclusion that the Roman Catholic Indian subjects of the British Empire have a just and indisputable claim on Her Majesty's ministers to a speedy and substantial redress of their well-founded and long-borne grievances and sufferings.

7. **Portuguese pretension to the monopoly of all Oriental Missions.** Although the right of Patronage, granted by the Popes to the Kings of Portugal was restricted to the countries conquered or to be conquered, and possessed by them, the Crown of Portugal claimed it afterwards, and does so even now, also for countries not conquered and not possessed by the Portuguese. Hence the dissensions between Portugal and Rome when the latter established Apostolic Vicariates, or embryo dioceses, in countries not so conquered or possessed, like China and India. Portugal from the very beginning put forth a pretension to the monopoly of all Oriental Missions: no Mission was to be established anywhere in the Orient without the consent of the King of Portugal, no Bishop to be sent to China, Japan or India, unless presented by the King of Portugal, and no Missionary, not even a Papal Delegate, to proceed to the East without the express authorization of the King of Portugal.

When, in the year 1585, Gregory XIII. sent Missionaries to China, outside the Portuguese dominions, the Court of Lisbon for a long time broke off all relations with Rome. When Clement VIII. increased the Oriental Missions, Portugal did no longer oppose the sending of Missionaries, but insisted on every one of them embarking in Lisbon and landing at Goa, in order to force them, on entering the Oriental Missions, to abandon their own nationality and to naturalize themselves as "Portuguese." Clement VIII. granted this request in the hope of getting thereby the then all-powerful assistance and protection of the Portuguese in the East.

8. **Rome's resistance to this pretension.** Unfortunately this measure of condescension proved a failure. The then already degenerated Goanese clergy saw the influx of non-Portuguese Missionaries with jealous eyes, and called them intruders, who came for the purpose of arrogating to themselves their rights, and diminishing their income! Hence Paul III. annulled the privilege granted by Clement VIII. and allowed the Missionaries to proceed to the Orient by any way they liked. The Portuguese and native Goanese clergy, however, carried on ever since a fierce opposition against all non-Portuguese Missionaries, the intruders into their monopoly, the "Propagandists," as they called them after the Sacred Congregation *de Propaganda Fide,* established by Gregory XV. in 1522.

By a Bull dated the 10th November, 1673, Clement X. forbade the Archbishop to exercise outside the temporal dominions of the King of Portugal any jurisdiction against the Vicars Apostolic ("*Ne in posterum adversus Vicarios Apostolicos eorumque missionarios actum ullum jurisdictionis extra dominium temporale Regis Portugalliae exercere audeant.*") The same was done by Innocent XII. on the 22nd October, 1696.

Without recounting the whole series of similar dissensions which took place during the sevententh century between Portugal and the Goanese Clergy on the one side, and the Holy See and the non-Portuguese Missionaries on the other, every one must from the foregoing facts draw the conclusion, that it has always been the endeavour and earnest desire of the Holy See to restrict the Portuguese Patronage to the Portuguese dominions, a desire which perfectly coincides with the often expressed wish of the British Government to exclude from its dominions all Portuguese and Goanese influence.

9. 1718. The Governor of Bombay expels the Goanese Clergy. The first English statesman who dealt with the question of the Portuguese protectorship seems to have been the Honorable Charles Boon, President of the East India Company and Governor of Bombay. On the 3rd October, 1718, he issued a Proclamation to the following effect: "Whereas by the Eleventh Article "of the Matrimonial Pact...concluded in the year 1661...it was permitted that "the Inhabitants of Bombay could publicly exercise and enjoy the Roman "Catholic religion...and securely perform the public prayers or orations amongst "them...I do give you, Frey Mauricio de Sancta Thereza, Bishop of Anastazia-"poly, [and Vicar Apostolic of the Great Mogul], an ample liberty to remain and "exist on this Island with six priests that you shall nominate, and do hereby "grant you leave entirely to exercise your Episcopal duty with the presbyters "your subjects...and I do hereforth prohibit every person not to cause any "molestation or impediment to you or any of you in performing your duty, and "doing on the contrary shall be subject to such punishment that I...will think "proper to inflict."

On the 13th May, 1720, the same Honorable Charles Boon confirmed the former Resolution by another Proclamation, signed by his Secretary John Horne, Esquire: "Whereas the said President hath for various good and justified "motives with advice and consent of his Council thought convenient to remove "the Roman Catholic Padrees of the Portuguese nation of this Island of Bombay, "and to appoint for the just and regular exercise of that religion the Most Rev. "Bishop Don Frey Mauritius a Santa Thereza...the President and Governor

" doth by these presents command and ordain all and every the Inhabitants of " Bombay and Mahim who profess the faith of Roman Catholics, to observe and " obey the said Bishops and the Padrees his subjects in the same manner as they " formerly observed with the Portuguese Bishops and Padrees."

The motives the Governor had in view when removing the Portuguese clergy were laid down in the following paragraph of an instruction by the Honorable the Court of Directors: "The Governor in Council being also of " opinion that several ill consequences attended the location of the former on the " Island, such as carrying to foreign countries the fruits of the labours of its " inhabitants; the stirring up the people to sedition when Government was " involved in dispute with the Portuguese; and the want of attention manifested " in the selection of the priests by the Portuguese."

The Portuguese General at Salsette remonstrated, and retaliated by stopping the supplies from Salsette, and preventing persons from crossing over to Bombay. Though a rupture was then feared, the momentary excitement vanished, and peace reigned in Bombay for more than sixty years, there being no Goanese clergy to disturb the same.

10. 1786. The Court of Directors restores the Goanese Clergy to Bombay. On the 21st July, 1786, the Honorable the Court of Directors sent to the Government a letter from the British Envoy at Lisbon, Robert Walpole, Esq., wherein he communicated the following representation of Monsieur de Mello the Portuguese Secretary of State: "That by the Treaty concluded on the " marriage of King Charles the Second and the Infanta of Portugal, Bombay was " ceded to Great Britain with the reservation to the Roman Catholics of the full " enjoyment of their Religion in the same manner as before, that consequently " the spiritual jurisdiction in regard to the necessary functions requisite for the " exercise of the Romish Religion remained by the stipulation of the Treaty with " the Archbishop of Goa, within whose diocese Bombay and its dependencies for " that particular purpose has always been acknowledged to be, and continued so " till the Vicar General within the Dominions of the Great Mogul usurped a " jurisdiction which he now executes over the Roman Catholics settled at Bombay " and its dependencies......that the Governor of Bombay ought to have rejected " the persons improperly nominated by the Archbishop of Goa, as he may as " often as such occasions offer......and that the Portuguese Court desire that the " Archbishop of Goa may be restored to his spiritual jurisdiction at Bombay by " virtue of the stipulation of the Marriage Treaty."

The Honorable the Court of Directors, without examining the title alleged by Monsieur de Mello, issued orders to restore the Archbishop of Goa to his jurisdiction in Bombay.

11. Portuguese misconstruction of the Marriage Settlement Treaty. Certainly, if the dependency of the Bombay Roman Catholics on the Archbishop of Goa be a necessary requisite for the "free exercise of the Roman Catholic Religion," and the "manner" of exercising that freedom be indentical with the stipulation that the King of Portugal should be the Royal Patron of the Roman Catholics of Bombay and all its dependencies and enjoying the right of nomination to all ecclesiastical preferments, then, indeed, the consequence drawn by Monsieur de Mello from the Marriage Settlement Treaty was logical and justified.

12. Consequent English misconception of the same. This misconstruction of the meaning of the Treaty on the part of the Portuguese Ministry drew the then existing Court of Directors into a misconception, the rectification of which by the Earl of Aberdeen came unfortunately too late to prevent the Government of Bombay from opening a door to all kinds of religious contest, party-strife, and social misery, which up to this moment has not yet been closed. In justice it must be said : here is a mistake, which it still behoves the British Government to repair.

The decree to restore the jurisdiction of the Archbishop of Goa in Bombay and its dependencies was sure to be universally detested by the natives of Bombay, though not so by the immigrated Goanese.

13. 1789. The Vicar Apostolic of Bombay and his Missionaries ordered to retire. On the 18th February, 1789, the Secretary to Government, William Page, Esq., wrote "to the Rev. Padre Vicar of the Catholic Churches in "Bombay and its dependencies, that the Rev. Archbishop Primate at Goa "having claimed the jurisdiction over the Catholic Churches under this "Government, and consequently the nomination of priests to officiate therein, "the Honorable the President in Council has been pleased to admit his claim "and has commanded me to apprize you, that he expects all the present "Incumbents will evacuate their benefices on the arrival of such priests as the "Archbishop may send from Goa to supply them."

The Bombay Christians at once sought redress, and were informed by the Secretary to the Government, on the 5th March, 1789, that their Petition was to be forwarded to the Honorable the Court of Directors. On the 12th January, 1790, the same Secretary wrote to the Vicar Apostolic that "The President in

"Council, understanding that many of the Catholic inhabitants of this Island "refuse to acknowledge the spiritual Jurisdiction of the Archbishop of Goa and "of his Delegate the Vicar-General, has judged proper to issue a publication, of "which he has ordered me to enclose you a copy, and to recommend to you to be "particularly circumspect not to encourage any of the people in such "contumacious conduct."

The proclamation, dated 12 February, 1790, ran thus: "The "President in Council hereby commands that all Catholic inhabitants on this "Island do consider themselves under the spiritual jurisdiction of His Excellency "the Archbishop of Goa and of his Delegate the Rev. Padre Ignacio Gomes "Vicar-General, and whoever shall presume to refuse obedience to the said "Vicar's authority or to obstruct him in the exercise of his functions will be "proceeded against by Government with the utmost severity."

This was the enjoyment of the free exercise of the Roman Catholic religion, guaranteed to its subjects by England in virtue of the Marriage Settlement Treaty.

14. 1790. The Vicar Apostolic restored: the Goanese ordered to retire. The Honorable the Court of Directors having received the reclamation of the Bombay Catholics wrote, on the 15th December, 1790, to the Governor of Bombay: "We are concerned to find from the papers you have transmitted to "us that the execution of our orders of the 21st July, 1785, for restoring to the "Archbishop of Goa the spiritual jurisdiction over the Roman Catholic Churches "upon your Island has given great cause of uneasiness to the inhabitants of that "persuasion. Our orders upon that subject were founded upon the requisition of "the Court of Portugal; but as we find the inhabitants of the Roman Catholic "religion within your Presidency are uniformly averse to the exercise of the "jurisdiction of the Archbishop, and that such jurisdiction was relinquished in a "formal manner, we feel disposed, though unwilling to interfere in religious "matters, to comply with their unanimous wishes and to allow them the exercise "of their religious worship under the jurisdiction of the Carmelite Friars, as they "have been used to do for above half a century past, and desire you will make "all the parties acquainted therewith."

Hence a new proclamation by the Governor of Bombay, dated 2nd August, 1791, announcing to the Roman Catholics of Bombay that, "the "Honorable the Court of Directors having been pleased to order that the "Ecclesiastical jurisdiction of the Roman Catholic Churches under this "Government shall be withdrawn from the Archbishops of Goa, and be restored "to the Carmelite Bishops and Friars of the Apostolic Mission, the President "in Council has accordingly resolved that the said restitution shall take place

"on the 1st of the ensuing month, from which he hereby enjoins all the "Catholic inhabitants, in Bombay as well as the several factories and settlements "subordinate thereto, to pay obedience in spiritual matters to the said Bishop "on pain of incurring the severe displeasure of Government."

If such precipitous and violent changes in the government of the Roman Catholic Church in the Bombay Presidency effected by the Honorable the Court of Directors of the English East India Trading Company without any reference to the Pope, Who alone could transfer the spiritual jurisdiction from one prelate to another, were apt to throw the Roman Catholic Community into utter confusion, dismay and strife, the next following decree of the same Court of Directors which ordered a new change and burdened the Roman Catholic inhabitants of the Bombay Presidency with the deplorable double jurisdiction, was by far the worst measure, if the peace and happiness of the Roman Catholic subjects of British India had to be consulted and secured.

15. **1793. Both allowed to remain. Double jurisdiction introduced in Bombay. Pastoral selection imposed upon the people.** On the 25th June, 1793, the Honorable the Court of Directors wrote: "We have taken into our "consideration the several representations from the Roman Catholic inhabitants "of your Island upon the subject of our orders of the 15th December, 1790, "allowing them the exercise of religious worship under the jurisdiction of the "Carmelite Friars. These orders were issued under an idea of the almost "unanimous aversion of the inhabitants to the exercise of the jurisdiction of the "Archbishop of Goa. But we now find that a very large proportion of them, "and those some of the most respectable, are averse to the spiritual direction of "the Carmelites......In order to reconcile all parties and to conciliate the minds "of the various inhabitants of that persuasion we direct that two of the four "Roman Catholic Churches of Bombay be served from among the Carmelite "Mission, and the other two by the Portuguese priests......Thus Pastoral "selections will of course be made by the inhabitants themselves subject to your approval and confirmation."

This was done, and an everlasting internal division and strife among the Roman Catholics in Bombay, that is between the proper natives of the soil, and the ever fluctuating immigrants from Goa, was now legalized. The consequences of this unheard of double ecclesiastical jurisdiction in one and the same place were soon felt, spread over the whole of India and are up to this day heavily weighing upon the Roman Catholic community. Besides this the Honorable the Court of Directors committed the Government of Bombay, up to this day, to a perpetual annoyance on account of ecclesiastical disturbances arising from the

double jurisdiction, or from the differences between the natives of the soil and the Goanese clergy.

16. 1813. Government disavows the claim of the Archbishop of Goa. In the year 1813 the altercation between the Government of Bombay and the Archbishop of Goa, regarding the removal of a Goanese priest from one of the two Churches allotted to the Goanese jurisdiction, brought on a decree of Government to disavow the claim of the Archbishop of Goa to spiritual jurisdiction over Bombay. This decree was based on the recognition that the Treaty did not secure to the Archbishop of Goa the continuance of the control he had over Bombay when it belonged to Portugal, that the Honorable the Court had expressly inhibited the same, and that it was essential to the peace and happiness of the Roman Catholic inhabitants in matters of conscience, and to the due and undisturbed exercise of their religion, that no foreign spiritual jurisdiction should be allowed to be exercised over them,

A similar difficulty arose at Mahim, where the priest and the great majority of the parishioners wanted to introduce the jurisdiction of the Vicar Apostolic in supersession of that of the Archbishop of Goa. Government allowed it against the protest of the Archbishop of Goa, who suspended the priest, whilst the Vicar Apostolic confirmed him in his church.

The Honorable the Court of Directors approved on the 4th November, 1814, of the steps taken by the Bombay Government and added : "The recent "pretensions of the Archbishop of Goa to spiritual jurisdiction over the Roman "Catholic Church and the inhabitants of Bombay has entirely convinced us of "the propriety and necessity of your determination to enforce the orders "contained in the 35th para of our letter of the 25th June, 1793, in which such "jurisdiction on the part of the Archbishop of Goa is virtually disallowed, and "the inhabitants are left to the choice of their own pastors."

17. 1819. Government involved in several disputes with the Goanese clergy. In 1819 Government was involved in another dispute with the Goanese clergy regarding the jurisdiction of the Archbishop of Goa in Salsette, but failed in obtaining for the magistrate and itself the right of removing a clergyman exercised by the Archbishop, as it failed also in transferring the jurisdiction of the Archbishop to the Bombay Vicar Apostolic. About the same time Government was much annoyed by a quarrel with the Goanese Priests about the removal of a Sacristan or Sexton from one of the Bombay churches given to them in 1793.

18. Mr. Erskine's observations thereon. Mr. Erskine then observed that the pernicious effects of the Archbishop of Goa's influence within the

island of Bombay should stimulate Government gradually and quietly to diminish it. It had gained a certain footing under the pretext of a Treaty. The mischief it occasions is a constant communication with, and looking to Goa, whereby that portion of the Catholic inhabitants are taught to consider the Archbishop of Goa and the Portuguese as more their friends than the Bombay Government and the English. Hence instead of melting away into the great body of the population and considering themselves merely as English Catholics, as those subject to the Vicar Apostolic do, they form a sort of separate caste in the middle of the Community, and glorify themselves on being "Portuguese" and on their connection with Goa.

19. Who they are who clamour for the Royal Patronage. The explanation of the facts dwelt upon by Mr. Erskine in this part of his observations, is to be found in a circumstance perhaps never taken into consideration by the British Government, although it is calculated to help towards the solution of the great question of the Royal Portuguese Patronage. Those Roman Catholic inhabitants of Bombay, of its dependencies, and in fact of the whole of India, who glory in the title of "Portuguese" without having a drop of Portuguese blood in their veins, who clamour for the Royal Protectorate, hold to the Goanese clergy, and everywhere give offence and trouble to the British Government, to the Vicars Apostolic and to the Courts of Law and the Police, are not the natives of Bombay, Salsette, and the country belonging to the English, but are that large number of Goanese natives, who leave their country in search of a temporary employment, mostly as cooks, butlers, clerks and apothecaries. Nearly all of them leave their families at home, send them regularly a part of their earnings, and visit them more or less every year until they finally return to Goa. This custom, due to the poverty and stagnation of all life in the Portuguese Colony of Goa, accounts for, and is very strikingly exhibited in the unequal number of males and females among the native Christians of Bombay. According to the census of 1881 there were in Bombay 19,524 male, and only 10,450 female, native Christians. Subtracting from each of these numbers about 8,000 the males and females of the indigenous Bombay Christians, there remain about 11,000 male, and 2,000 female, Goanese Christians. This migratory class of people consider Bombay as a place of temporary exile in which to gain their livelihood. They are those who form the bulk of that clamorous class of Roman Catholics who wish to have Padrees of their own country and caste, who are averse to giving up the title of "Portuguese" which Portugal formally bestowed upon its native Christian subjects, and who always and everywhere give offence to all who are not of their own caste and nation.

Mr. Erskine, in his observations, drew attention also to the constant clashing of hostile ecclesiastical authorities, which occasions annoying disputes which could be at once arranged by a Catholic authority on the spot, actuated by the feelings that naturally spring up between the ecclesiastical power and the political power that protects it. The Archbishop of Goa, jealous of his title of Primate of the East, will always bring much suspicion and intractableness into his connection with the British Government. The Portuguese have been under foreign influence and may be again ; such an occurence might be troublesome, if any great proportion of the British subjects were open to their intrigues, by considering themselves as foreigners. A Bishop and clergy who derive their protection and some part of their emoluments from the Government under which they live, would soon cease to look to any other nation, and feel a pride in belonging to their own.

These considerations were made by Mr. Erskine long before the Concordat of 1857 permitted the King of Portugal to establish all over British India Portuguese bishoprics with Bishops of his own nomination and a clergy of their choice.

20. 1828. A Government measure for diminishing the Portuguese influence. Acknowledged inability to settle the disputes without the Pope. In 1828 Government granted a yearly allowance of 1800 Rs. for the education of a native, *i. e.*, not Goanese, clergy, with a view to extinguish gradually the influence of the Goanese Archbishop over the British subjects. This was beneficial for that part of the Bombay Roman Catholics who adhered to the Vicar Apostolic. The Goa authorities have an evident interest in ordering and sending out Goa subjects, in whose patriotism they confide, and who will, like all their countrymen, on retiring from their Mission, transfer their gain to Goa. Although this seems a matter of no weight, yet the indigenous Christians of Salsette, still subject to Goa, complain constantly of this exportation of money by their priests to Goa.

The Honorable the Court of Directors, when granting the mentioned allowance, acknowledged at the same time, that they saw no way of settling between the Archbishop of Goa and the Vicars Apostolic except through Rome.

But notwithstanding this clear recognition, Rome, when taking a measure equally acceptable to the British Government and to the interests of its Roman Catholic subjects, was left alone unaided, nay, even hindered, by the Government of the time.

21. 1838 The Pope abolishes the Portuguese jurisdiction in British India. On the 28th April, 1838, Pope Gregory XVI. issued the brief *Multa*

praeclare, whereby He altogether abolished the Portuguese jurisdiction outside the Portuguese territory, and declared the Vicars Apostolic to be the only Bishops to be obeyed in the non-Portuguese countries, derogating expressly the Apostolic Briefs, by which His predecessors had granted to the Archbishop of Goa spiritual jurisdiction over the whole East. Among the reasons which led Him to this measure the Pope enumerates also the dislike the British Government must have to the continuance of the Royal Portuguese Patronage: "Had times been "different," He says, "that privilege [of Patronage] formerly granted would "have been preserved...but those regions, to procure the good of which We "direct Our mind, are no longer subject to the old political Government, by "which it was easy for the Kings of Portugal to exercise Patronage in those "regions; but they have fallen into the power of a most powerful King, the "form and rules of whose Government, it is well known to Us, would not by any "means allow this."

22. 1839. **The Vicar Apostolic of Bombay allowed by the Governor to obey the Pope, and to extend his jurisdiction over Salsette.** The Vicar Apostolic of Bombay wrote thereupon, on the 23rd April, 1839, to the Governor of Bombay, expressing his trust that Government would permit him to extend his jurisdiction over the island of Salsette, as directed by the Holy See. The answer he received on the 30th May, 1839, was, that the British Government "maintained the principle that their Roman Catholic subjects are "entitled, in the fullest sense of the expression, to the free and uncontrolled "exercise of their religion, respecting matters of spiritual jurisdiction, so long as "no infringement is made on the acknowledged right of Government to confirm "and protect the appointments recommended by the voice of the people. "Consistently with this the Governor will not, pending the receipt of instructions "from the Honorable the Court of Directors, offer any objections to your "exercising over Salsette such spiritual jurisdiction as His Holiness the Pope "may confer upon you as Vicar Apostolic of Bombay."

23. 1840. **The Court of Directors restricts this permission.** On the 21st October, 1840, the Honorable the Court of Directors replied to the Bombay Government: "As the Vicar Apostolic of Bombay has a direct order from the "Pope to extend his ecclesiastical jurisdiction over Salsette, we approve of your "having confirmed this appointment, provided always that the Roman Catholics "of Salsette are favourable to him, which, as we gather from your proceedings, "appears to be the case. We cannot recognise the claim of the Archbishop of "Goa to appoint whatsoever priests he please, and to control all the churches of "our Roman Catholic subjects in India. It is our wish, however, that you

"should interfere as little as possible in questions appertaining to the Roman "Catholic priests."

From this it is evident that the Honorable Court of Directors, instead of seconding the efforts of the Pope, and carrying out the policy which itself had so often resolved upon to follow, granted the permission to execute the Pope's orders only under a restriction, which could but mar the desired effect, and throw the population into the throes of religious strife—the restriction : "provided that "the Roman Catholics of Salsette were favorable to the Vicar Apostolic." And how was this principle, in itself already unsatisfactory, carried out ?

24. 1848. **The Bandora Christians prevented from introducing the Vicar Apostolic into one of their churches.** On the 22nd December, 1840, the majority of the parish of Bandora in Salsette, fishermen, addressed a petition to the Collector of Tannah, praying for permission to place one of their two churches under the authority of the Vicar Apostolic, in order to follow the dictate of their conscience, because their Vicar resisted the order of the Pope to that effect. The answer of that magistrate given on the 3rd February, 1841, and afterwards confirmed by the Government of Bombay on the 6th and 23rd August, 1841. was "As their present Vicar is of exemplary character and resided "among them for eleven years, no interference on that account on the part of "the Roman Catholic Bishop of Bombay could be tolerated ; that their petitions "were got up in an improper manner and signed by the lowest persons in "Bandora ; and that, if the former is the case, they would be subject to a criminal "prosecution for conspiracy and punished accordingly."

The "low" fishermen, though the great majority of the parish, left the two churches in the hands of the then schismatical priest under the Goanese jurisdiction, and built a third one at their own cost, as they had two centuries ago built one of the former ones with their own money.

25. **The Goanese priests encouraged by the restriction.** The restriction, referred to above, animated the Goanese priests with new courage. By every possible, even unscrupulous, means, such as the distribution of liquor, they collected a certain number of signatures in their favour, and excited the flames of party-strife to the utmost acrimony. Government subsequently recognized its inability to set at rest the dissensions it had provoked by giving the decision of so difficult a question, as the legitimacy of spiritual jurisdiction, into the hands of an entirely illiterate rural population, such as the people of Salsette are known to be, the bulk of which could easily be excited in favour of the "Royal Patron" of their religion, of the "Primate of the East," of the "Portuguese," whose

very names their ancestors had adopted when converted to the Christian religion. The decree of the Pope was cried down by the Goanese clergy as an imposition; a fabrication of the "Propaganda," a falsified document, which, even if it were genuine, had no value, because issued without the "Placet of the Royal Patron."

A memorial signed by some five thousand people, residents of Bombay and Salsette, (*i. e.* from a Catholic population of about 70,000, including the Goanese) was sent in April, 1842, by the Goanese party to the Government of Bombay, praying for the restoration of the spiritual jurisdiction of the Archbishop of Goa.

26. Baron Moncorvo and the Earl of Aberdeen. At the same time the Court of Lisbon was anxious to second the efforts of their Goa subjects to recover the always coveted monopoly of Church government and Missionary right in the East. On the 12th April, 1843, Baron Moncorvo, Portuguese Ambassador at the Court of London, addressed His Excellency the Earl of Aberdeen with a view to recover the Royal Protectorship in British India, abolished by Pope Gregory XVI., and based Portugal's right upon the often mentioned Marriage Settlement Treaty and another "Convention signed between the "Commissaries plenipotentiaries of Portugal and Great Britain for the delivery "and taking possession of Bombay and its districts, a document which was "only discovered some years ago at Goa."

The Earl of Aberdeen answered on the 18th, September, 1844, that the said "Treaty contains no such reservation as that described by Baron Moncorvo...... "and as to the second document, His Majesty's Government have no knowledge "of it."

27. Archbishop Torres' schismatical proceedings censured by Rome. Moreover, Portugal obtained from the Holy See the nomination of a new Archbishop to the See of Goa, vacant for many years. Archbishop José da Silva Torres had, before he received his faculties from the Pope, most formally engaged himself to keep to the dispositions of the Bull *Multa praeclare*, and not to exercise any jurisdiction outside the Portuguese territory. But no sooner did he reach Goa than he ordained 800 priests, many of them, of course, unworthy subjects, but all well instructed to carry on the warfare of the Royal Protectorate in India, and he sent a number of them out into British territory to propagate the new schism. On the 1st March, 1845, the Pope sent an admonition to the new Archbishop; but it was not before the 22nd December, 1848, that the Holy See succeeded in removing him from Goa. His unlawful proceedings were severely censured by the Pope in His Allocution of the 17th February, 1851.

28. The Court of Directors recognizes the existence of a schism, but refuses to interfere, and directs the litigants to the Police and the Courts of Law. Under the impression of the raging flames of ecclesiastical strife kindled in British India, the Honorable the Court of Directors decided to leave the frightful religious dissensions to be settled by the Courts of Law and by the Police. On the 17th September, 1845, they wrote: "The pretensions of the "Archbishop of Goa to a supremacy over the Roman Catholic population, "priests and churches of India, have been repeatedly examined and rejected. "His especial claim to that authority in Bombay and the districts adjacent has "long been and is still preferred on the ground that it was conceded to the "Crown of Portugal under the Treaty by which the island came into our "possession. We can find no clause in any treaty which confers the rights in "question, and even if the allegation were correct, the supposed Treaty would "have been invalidated *first* by the fact that the capitulation forced on the "British officer who received Bombay, was disclaimed by the King of England "as contrary to the Marriage Treaty, *secondly* by the fact, that the Crown of "Portugal has long since ceased to perform the obligation, for which the alleged "privileges were granted by the Pope, namely the support of a regular "Archbishop and priesthood at Goa and in the territories over which the claim "is made; and *thirdly* by the fact that the Portuguese Priests are in a state of "schism, and are no longer recognized by the Head of the Roman Catholic Church. These pretensions have caused much dissension between the Goa "Priests and the other Roman Catholic clergy, which still agitates their "community. It would be highly gratifying to us, if this dissension could be set "at rest; but we are of opinion that the interference of public authority should "be limited to cases affecting the public peace, when the tribunals of the "country must decide the differences. Questions of the property in churches and "their appurtenances must also be decided by the same tribunals."

29. The Bishop of Macao's schismatical proceedings in Bombay not interfered with. Whilst the strife developed itself into ever greater dimensions and raged all over India, the Portuguese Bishop of Macao, Jerom da Matta, on his way from China to Portugal, landed first in Ceylon and on the 6th February, 1853, in Bombay, everywhere increasing the bitterness of the dissension, without being prevented by any civil authority. During his sermon in the church of Mazagon in Bombay he called the Vicars Apostolic and their Missionaries intruders and robbers, against whom he had been commissioned by the Royal Patron to visit the English territory of the Archdiocese of Goa and to warn all faithful adherents of the King of Portugal. Within seven days

he gave Holy Orders to 536 Goanese candidates, a new formidable army for fighting the battle of revolt against the Holy See. In the meantime the Pope remained unaided and unprotected by the English Government, in whose favour He was sustaining this terrible struggle. Faithful to the instructions of the Honorable the Court of Directors the Bombay Government did not interfere, but left the litigants free to appeal to the Police and to the Courts of Law.

30. The Police against the Vicar Apostolic defending his own Church in Mahim. How then did the Police and the Courts protect the British subjects in their right of free exercise of their religion? They should have inquired into the tenets, regulations, and ordinances of the Roman Catholic Church, and adjudicate the churches and the right of nominating the incumbents thereof to the Vicars Apostolic and their Missionaries, who followed the ordinances of the Head of the Roman Catholic Church. Simple justice and the principles of the highest English Courts demanded such a course.

A native priest, whom the Vicar Apostolic had been obliged to suspend for some defalcations, betrayed his Prelate by handing over to the Goanese priests the church at Mahim to which he had been appointed and which had been adjudicated by Government to the Vicar Apostolic. The same intriguing priest, in revenge for his suspension got up a faction among the parishioners of the other (St. Michael's) Church at Mahim, which soon was to become the scene of the Vicar Apostolic's sufferings, amounting to all but martyrdom. On the 13th March, although in the minority as regards numbers, yet superior in audacity, he with the incumbent of that Church and their partisans, seconded and aided by the local police, shut up within the walls of the Church, the Vicar Apostolic and a number of his faithful adherents, who had entered it in order to keep actual possession of it. There they kept the Bishop and his party prisoners for several days, nailing up even the windows, and in shutting them nearly jamming the resisting Bishop's arm and actually injuring his hand. This state of things lasted until the higher police authorities were apprized of the fact, and came from Bombay to the rescue of the sufferers, who were stifled in this second "Black Hole."

31. The High Court against the Vicar Apostolic on an erroneous principle overruling the principles of the English Courts of Law. The question of proprietory right to the Church was then taken before the High Court. The Chief Justice gave his decision after more than a year's interval, on the 20th June, 1854. He adjudicated the church to the rebellious incumbent, on the quite erroneous ground that a certain Confraternity, a pious society in the church, the majority of which was in favour of the Royal Patronage, was the proprietary of the Church, although that majority was the minority in the

congregation, although that society was not more the owner of the building than the whole congregation from which it recruited itself, although the Bishop's jurisdiction and administration was in possession from the time the Bombay Government had allotted this Church to the Vicar Apostolic, and although the ordinance of the Head of the Roman Catholic Church excluded the Goanese jurisdiction from this church altogether. In his judgment the Chief Justice expressly overruled the principle, which above has been shown to be the just and equitable rule of the English Courts of Law. He said : " Though unnecess-" ary for the decision of the present suit, it might be some guide for the future " to the contending parties, and thus prevent future litigation, if we distinctly " intimated that their secular interests cannot be affected by their seeking the " spiritual guidance either of the Archbishop of Goa on the one hand, or the " Vicar Apostolic on the other. That is purely a question of their own consciences " and is a matter of indifference both to Government and to this Court."

32. **Government refuses to interfere.** Whilst the Bishop was with his faithful flock a prisoner in his own church, his solicitor recurred to the Governor for immediate help. In reply he received, on the 19th March, 1853, a letter from Government stating that the Right Honorable the Governor in Council could not interfere in consequence of a late despatch from the Court of Directors.

33. **Bloodshed.** The Bishop with his adherents had to build a new church for themselves. During the long interval from the occurrence till the judgment, one man was killed in a riot between the two parties, and later on another man nearly beaten to death. The perpetrators of the first crime were not punished at all, those of the second were fined one Rupee.

34. **Another erroneous principle held in the Maney church case.** The principle of the ownership of a church vesting in the majority of a Confraternity attached to the church, set up by the Chief Justice of the Bombay High Court, was not adopted in another law-suit of the same year. The villagers of Maney, whose church was in the hands of a Goanese priest, unanimously, the Confraternities and all the members of the congregation, resolved to follow the order of the Pope, and to abandon their Goanese priest, who resisted that order and thus did violence to their consciences. The Court decided that the church belonged to neither party, but to God, and that the schismatical priest might as well as any other one perform divine service in it. The villagers were forced to build another church. The old one is deserted.

35. **A third erroneous principle in the Candolim church case.** Again another principle was adopted by another Court, when the church of Candolim was adjudicated to the majority of the parishioners in general.

36. A fourth erroneous principle in the Versovah church case. Another principle was held by the same Court in the case of the church of Versova. It was adjudicated to the acting parish priest in actual possession, against the whole congregation and the real parish priest, who had returned before the time of his furlough had expired.

37. 1853. The authors of the Mahim rebellion excommunicated by the Pope, declared "benemeritos da patria" by the Portuguese Chambers. Whilst thus harrassed by the insolence of the Goanese clergy and the instability of the Law Courts, the faithful Bombay Catholics were comforted by a Brief of Pius IX., Who, on the 9th May, 1853, laid four Priests, the principal authors of the great Mahim scandal, under the censure of nominal excommunication. This act of the Head of the Roman Catholic Church was answered, on the 20th July, 1853, by a declaration of the Portuguese Chambers. that the Bishop of Macao and those four priests were "*benemeritos da patria!*" —their rebellion against the Pope in English territory meritorious, and deserving the commendation of the Portuguese nation.

38. 1855. The Court of Directors declines to interfere in the "theological" schism. To the described uncertainty of the principles of the Bombay Courts of Law came, on the 28th February, 1856, a declaration by the Governor-General of India in Council, in compliance with a despatch from the Honorable the Court of Directors dated 25th July, 1855: "that the Vicars "Apostolic are at present regarded as the proper channels of communication. "with Government on points connected with the Priests of their Church. "Beyond this necessary recognition of their authority, which is convenient and "conducive to the discharge of business, his Lordship in Council is not prepared "to go. It is in the highest degree inexpedient that the Government should "mix itself up with a theological schism, or that it should commit itself to any "recognition of authority in the Roman Catholic Church in India, which might "imply a desire on its part to influence its subjects in the matter of ecclesiastical "jurisdiction. His Lordship in Council is accordingly pleased to determine, with "the approbation of the Honorable the Court of Directors, that there shall be "no departure from established practice and policy in this respect."

39. 1857. The Pope forced to a Concordat with the King of Portugal: England left out in its construction. Pope Pius IX., now left by the British Government to battle single-handed for the interests of the Roman Catholic Church in British India, against the unjust usurpations of the Crown of Portugal, for the restoration of religious peace among her Majesty's subjects, and for the free exercise of their religion by the indigenous Christians against

any undue intrusion on the part of the Goanese clergy, saw Himself forced to put an end to the distressing and bloody strife by concluding with the triumphant Crown of Portugal the well known Concordat of the 21st February, 1857, in the framing of which the British Government, probably owing to its declarations, was left out altogether, as if it had no interest in its Indian territory being parcelled out into Dioceses to be ruled over, not by its own subjects, subject to Rome in spiritual matters only, an arrangement which would have been quite unobjectionable, but by Portuguese Bishops, sent out, directed and watched over even in spiritual matters by the Portuguese Government in its capacity as the "Royal Protector of the Roman Catholic Church in the East" and with a clergy to be chosen by the Portuguese Bishops, it must be supposed, from the Goanese clergy, the Vicars Apostolic with their Missionaries being obliged to retire, as soon as any such Diocese would be erected by Portugal and manned by the Goanese.

40. **1861. Triumphant Portugal praises the patriotic efforts of the schismatic priests.** No wonder that the Portuguese Minister for Foreign Affairs wrote, on the 7th March 1861, to the Governor-General of Goa :—
"His Majesty orders that the whole clergy of the East, who have done so much "to uphold the rights of the Crown of Portugal, be informed of his just "appreciation of their patriotic efforts, and of his hope that all will give a new "proof of their devotion by their moderation and prudence in putting an end "to the misunderstandings.

41. **England intimates to Portugal that it does not recognize its King as Protector of the Roman Catholic Church in British India.** The Government of India requested their Advocate General to state his opinion as to the effect the Concordat of 1857 might have on the relations of the Roman Catholic Clergy towards the British Government. In his answer, dated 17th October, 1860, the Advocate General stated that he did not apprehend any direct effect upon those relations, but that it was impossible to determine what indirect effect it may have, and it appeared to him "very unadvisable that the "Government should give any sanction to the provisions of the Concordat, or "should recognize it, or otherwise deal with it in such a way as to preclude "Government from refusing to give effect to any of its provisions, if it should "hereafter be found necessary to do so."

The Governor General, Earl Canning, endorsed, in his letter of the 14th November, 1860, to the Secretary of State for India, the opinion of the Advocate General, and added that "it may possibly become necessary hereafter to intimate

" to the Roman Catholic Bishops, that no Priests who are not subjects of " Her Majesty, (except in very special cases) will be allowed to do duty with " European troops."

Sir Charles Wood, Secretary of State for India, directed consequently the following despatch, dated the 1st March, 1861, to the Portuguese Minister at the Court of London : " It is my duty to observe, that although " Her Majesty's Government, in accordance with the assurance given by the " Earl of Aberdeen in the note which he addressed to Baron Moncorvo on " the 18th of September, 1844, have not objected to the continuance of the " *practice of the Portuguese Government nominating to Roman Catholic Sees* " *in British India, they do not recognize this practice as a right, nor do they* " *recognize the King of Portugal as Protector of the Roman Catholic Church* " *in British India.*"

42. Suggestion that England should become a party to a new Convention, and what it ought to insist upon. This attitude of England towards the Concordat of 1857 shows sufficiently the mistake committed by leaving England altogether out in the framing of an arrangement, in which it was eminently concerned. The Advocate General pointed justly to the consequences and difficulties arising not only from the appointment of Portuguese or Goanese Military Chaplains but also from the present investment of ecclesiastical property, the continuance of Government allowances to the Bishops and priests superseding the present Clergy, and the introduction of a greater foreign European element into British India than hitherto prevailed. Evidently the above recited declarations of England put all the provisions of the Concordat into jeopardy. In order to come to a settlement of the question of the Royal Portuguese Protectorate in British India, it is absolutely required to let the British Government have a part in the framing of some new Convention. On that occasion, if ever it occurs, England will surely know how to do justice to its own resident subjects, the indigenous Christians of British India, and to the migratory Goanese population, who choose to have their temporary voluntary exile in the British territory. It will certainly insist on the abolition of the Double Jurisdiction and of the Portuguese Protectorate in British India, were it even by means of some compensation to be given to the Royal Patron for the sums spent by him on church endowments outside his territory, the amount of which, if any, may reach a few thousand Rupees.

43. No relief as yet to the complaints of the British Roman Catholics in India. More than a quarter of a century has passed since the signing of the Concordat. Nothing substantial has yet been done towards its execution,

not only on account of the marring effect of the declarations of England, but also on account of the utter inability of Portugal to provide the necessary means for endowing the contemplated Dioceses and the necessary staff for manning them and thus superseding 26 Vicars Apostolic with their 1176, mostly Europeans, missionaries. In the meantime the miseries attending a double ecclesiastical jurisdiction in one and the same territory continue in several Apostolic Vicariates with unabated severity. In Bombay peace has been kept between the adherents of the two jurisdictions for about five years, owing to the slender tie of some rules agreed upon by the two Prelates between themselves; but not so in Salsette between the people and their Goanese priests. For several years already, and until now, the Bombay Government is grossly annoyed by some ecclesiastical disputes in Tannah, into which it has become entangled: the people refusing to accept a Goanese Vicar-General named by the Archbishop of Goa, and the latter refusing to nominate a priest native of Bombay or Salsette. Their repeated petition to be allowed "free pastoral election" has been repeatedly rejected, and the discord between the indigenous Christians and priests on the one side and the Goanese Archbishop and clergy on the other has become rather vehement and deep-rooted. Wherever the Goanese clergy settles, invariably altercations arise with everybody else except the wandering Goanese people, their own caste and countrymen.

44. Conclusion. The obvious conclusion of this Memorial is that the British Government is not only entitled, but seems also in duty bound to enter as a party into a new arrangement to be made by the Holy See with the King of Portugal regarding his Royal Protectorate over the Roman Catholic Churches in the East. Both its right and its duty are based on the sovereignty it holds over its Roman Catholic subjects. Many errors of the past have to be made good. This may be done by insisting on Portugal and Rome putting an end to that ever fertile source of religious strife and social disorder, the Portuguese Protectorate over the Roman Catholic Church outside the Portuguese territory, the pernicious effects of which have filled the pages of our Indian Church history with the most lamentable and disgraceful events. The time has come for the British Government to render its loyal subjects that powerful assistance they demand from Her Gracious Majesty their Queen and Empress, for the protection of their religious rights against the everlasting craving of the Portuguese and Goanese after the monopoly of ecclesiastical government over India, Ceylon, Burma, China and Japan. It is, of course, left to the wisdom of the present leaders of Great Britain to choose the proper measures to bring about a common understanding with the Crown of Portugal and the Head of the Roman Catholic Church.

Appendix D.

Letter from the Government of India, dated 16th January, 1835, in which the Portuguese claim of "Patronage" was repudiated.

To the Most Revd. R. St. Leger, D. D., Vicar Apostolic of Bengal.

General Department. Ecclesiastical.

Most Reverend Sir,

The letter addressed by you to His Excellency the Governor General in Council on the 7th instant, with the several documents enclosed therein, and your further letter to my address of the day following, with its enclosures, have been duly laid before the Supreme Council of India, together with a petition from a large and influential body of the Roman Catholic inhabitants of this City, and a letter also from his Excellency the Governor of Goa, all on the subject of your recent appointment, by the Supreme Head of the Roman Catholic Church, to exercise the high spiritual authority in the churches of that religion at this Presidency, and the claim of the Portuguese clergy to the possession of an exclusive spiritual jurisdiction in them.

2. The Governor General in Council, having given to these papers a very attentive consideration, has directed me to assure you, in reply to your several addresses above acknowledged, of his readiness to recognize you as possessing every spiritual jurisdiction which has been conferred on you by the Head of the Roman Catholic Church, in matters connected with that Church at this Presidency, and to promise you support and countenance in the exercise of these high functions, as it should be proper for the Government to afford, and as may not be inconsistent with the most perfect freedom of conscience in all who live under British Dominion, and with existing rights of property.

3. It has given His Lordship in Council great satisfaction to see the control and charge of the large community of this place, who profess the Roman Catholic Faith, in the hands of a born subject of the British Crown, owing allegiance to the same Temporal Sovereign with those who form the congregations. The opinion also that His Lordship in Council has been induced to form of your personal character, leads him to anticipate very salutary effects from your exercise of the high spiritual functions with which you have been invested. His Lordship in Council

trusts that it is needless to add that this Government can never recognize the principle, that any class of persons born under the British Dominion, and living in the enjoyment of all the privileges of British subjects, can owe allegiance to any Foreign Prince or Sovereign, or be bound to recognize the authority of his acts in any of the relations of civil life.

4. The Government of this Presidency has already, by applying to you to recommend pastors for places of Catholic worship, maintained from the public resources, evinced its disposition to support your ecclesiastical influence and authority. His Lordship in Council cannot believe, that any public notice to this effect can further be required, and he feels confident that the good sense of the Roman Catholic community, and your own wisdom and discreet management, will prevent the differences, which have unfortunately occurred, from leading to permanent dissensions and ill-will, or occasioning any serious impediment to the beneficial ends expected to result from your mission to this country.

5. To the petition from the Catholic inhabitants of Calcutta, expressing sentiments corresponding with those conveyed in your letter to the Governor General in Council, in respect to the notice published by certain members of the Catholic Clergy, officiating in two of the churches of this City, His Lordship in Council, has replied in terms of general approbation and encouragement; and to the request of the Government of Goa, that matters should be kept in suspense, until the questions at issue can be referred to Europe to be submitted to the respective Sovereigns, His Lordship in Council has made answer, that *he cannot recognize intermediately any authority in the head of the Portuguese Nation, to regulate any matter Spiritual or Temporal within the British territory*, and that the Government has no intention or desire to interfere with any existing rights.

I have the honor to be, &c.

H. J. PRINSEP,
Secretary to Government.

Council Chamber, the 26th January, 1835.

Appendix E.

Letter from the Court of Directors, 10th July, 1839, repudiating the Portuguese claim of "Patronage" in Madras.

To the Right Rev. Dr O'Connor, Vicar Apostolic of Madras and Meliapore.

Ecclesiastical Department.

SIR,

I am directed by the Right Honorable the Governor in Council to transmit for your information the annexed extract from a despatch from Honorable the Court of Directors dated the 10th July, 1839.

I have the honor to be,
Sir
Your most obedient Servant,

ROBERT CLERK.
Secretary to Government.

Fort St. George, 28th September, 1839.

Answer to letter dated 24th Jan., No. 1 of 1837. Para 88. Reporting that the Govt. had, with the concurrence of the Supreme Govt. recognized Dr. O'Connor, the Vicar Apostolic as the Official Superior through whom all communications respecting the Roman Catholic Religion and Church should be made.

28. Any difficulties that may have arisen from the rival claims of the British Vicar Apostolic and the Portuguese Acting Bishop of St. Thomé to Ecclesiastical jurisdiction over our Roman Catholic subjects in the Madras Presidency, having been removed by the decease of the latter: we approve of your recognition of Dr. O'Connor, a British subject of character and education, *who holds a commission direct from the Pope,* and whose exertions in the short period of his residence at Madras, have proved beneficial to the troops. The successor of the late Bishop of St. Thomé, *who holds his appointment from the Portuguese Government* only, has advanced claims to this jurisdiction; but, as his predecessor could only have been recognised in the absence of a British Roman Catholic dignitary, the claims of the present Bishop cannot be admitted.

A true extract,

(Signed) ROBERT CLERK,
Secretary to Government.

Appendix—F.

Despatch of the Portuguese Government, 8th August, 1863, applying Portuguese laws to British territory.

His Majesty the King, through the Secretary of State for Marine and Colonies, orders that the following be transmitted to the Reverend Archbishop of Goa and Primate of the East.

It is a principle of the Portuguese law that the Bulls, Briefs or Rescripts of the Holy See or of its Delegates can neither be executed in Portugal nor complied with by Portuguese citizens, unless their publication and execution have been authorised by the *regio beneplacito.* This prerogative of the Crown, confirmed by the Constitution of the State, in art. 75, § 14, is a right inherent to the sovereignty and is constantly acknowledged by the laws of the country; in the reign of King D. Pedro I., in article 32 of the Cortes of Elvas; in the reign of King D. Joäo I., in article 82 of the Cortes of Lisbon, in which it is expressly said that *it was always so practised*; in the reign of King D. Affonso V., in the last chapter of the Cortes of Santarem; in the 59th chapter of the General Laws for the people enacted by the Cortes, which began its sitting at Coimbra on the 10th August 1472 and closed at Evora on the 18th March 1473; in the 12th chapter of the Cortes assembled at Monte-mor-o-Novo in 1477, presided over by Prince D. Joäo; in King Affonso's Ordinances under the heading "Of the letters, which come from the Court of Rome or from the Grand-Master, that they should not be published without a Royal letter;" in the *Provisão* of King D. Joäo II., dated the 4th February 1495, addressed to D. Gonçalo de Castello Branco, Governor of the *Casa do Civel,* re-establishing the Royal Placet, which had been suspended in 1487 in the plenitude of power, and at the request of the Supreme Pontiff Innocent VIII, in the Brief *Olim felicis*, dated the 3rd February, 1486, on the occasion of negotiations pending at Rome for the legitimation of the Master D. Jorje; in King D. Manoel's Ordinances book 1 tit: 2nd § ultimo; in the *Alvarà* of King D. Manoel, dated the 12th April 1510, permitting the Bishop of Coimbra D. Jorge d'Almeida to execute the Bull, whereby it was permitted to dispose by will of the goods acquired *intuitu ecclesiae*, and in the Royal letter from the King D. Joäo III., dated the 5th December 1525, confirming the same permission; in the suspension by King D. Sebastiäo of the Bull *In Cœna Domini*, as opposed to the laws of the kingdom and prerogatives of the Crown, which prerogatives the Holy Father, Gregory XIII., by the Brief, dated 29th April, 1574,

deemed it necessary to confirm; in the letter from Philip II. addressed in 1582 by his Secretary of State, Gabriel Zayas to the Cardinal Granvella, after promulgating measures, by which the publication of the Bull *In Cæna Domini* had been prohibited, which letter appears in this monarch's Chronicles by Luis Cabrera; and lastly in the law of the 20th December, 1582, by which the Royal permission was granted to publish the correction made to the Calendar by the Holy Father Gregory XIII.

It is needless to mention all the monuments, which thenceforward certify to the constant exercise of this right in Portugal, for there is a well known and uninterrupted series of them, attesting the same from the decrees of the 12th March, 1652 and the 6th August, 1653, to the decrees of the 5th June, 1728, and the 4th August, 1760; from the laws of the 6th May, 1765, 28th August, 1767, and of 5th April, 1768, to the Royal letter and notice of the 23rd August, 1770, and from that time to the present, especial mention being sufficient of the letter, which King D. Joäo V. directed to be written by his Secretary of State, Marco Antonio de Azavedo Coutinho, on the 26th March, 1748, to the Archbishop of Goa and Primate of the East, and of the Royal letter of the 10th February, 1774, despatch by King D. José I., from Salvaterra de Magos to the Archbishop of the said Diocese, as well as the instructions of the same date signed by the Marquis of Pombal.

Amongst the most remarkable proofs of this permanent right of the Portuguese Crown the following should not be lost sight of: the Royal Decree of the 27th June 1602, by which Philip III. inhibited the execution of the Bull *motu proprio* from the Pope Pius V. regarding purchase of encumbered properties; the law of the 6th May, 1765, prohibiting the Brief *Apostolicum Pascendi*; the law of the 28th August, 1767, prohibiting the Brief *Animarum Saluti*; the law of the 2nd April, 1768, prohibiting the Bull *In Cæna Domini* which the Holy Father Clement XIV. on his accession to the Chair of St. Peter perpetually suspended, publishing in 1770 a Jubilee for Maunday Thursday instead of the excommunications contained in that Bull; the law of the 10th April, 1768, prohibiting the Bull *Sanctissimi Domini*; the law of the 4th December, 1769, prohibiting the *Index Expurgatorius*, and the Bull *In Cæna Domini*; the Edict of the 22nd April, 1774, prohibiting the Brief from Pope Clement XIV. on the Jubilee for the chapel of *Senhor do Monte*. In all these instances and in times of such great religious respect, there never occurred the least idea of committing any excess or the least thought of being wanting in that deep reverence and obedience, which is due to the decisions of the Supreme Pontiff. In these sentiments the Kings of Portugal and the Portuguese nation have always gloried in never being surpassed by any other ruler of a Catholic nation.

Moreover, it must not be forgotten that this positive right of the Portuguese Crown, is not only stamped in the laws of the country, but also has been constantly

acknowledged by the Councils, by the Holy Apostolic See and its delegates or representatives.

Egydio Martins and Pedro de Velasco, ambassadors of King D. João I., at the Council of Constance, protested before the same Council that its decisions would have neither execution nor obedience in Portugal except in as much as they would be permitted and authorized by the Kings of Portugal ; and this protest, after being accepted by that memorable assembly, which represented the Universal Church, was embodied in the 22nd Session.

The Holy Father, Gregory XIII., in the Brief *Expone Nobis* of the 25th April, 1574, promulgated on acccount of the difficulties raised in this Kingdom against the publication of the Bull *In Cœna Domini* confirmed (however unnecessarily) all the laws and all the privileges of the Crown, one of which and the most important is certainly the Royal Placet : *ut legibus prædictis et privilegiis uti et secundum illas et illa procedere, judicare, exequi, prout hactenus sine controversia usi estis.*

The Supreme Pontiff, after publishing the Bull *Omnium Solicitudinum* of the 26th September, 1744, regarding the rites of the Malabar people, asked D. João V. to give his Royal permission for the Bull to be executed in the East Indies, as is declared in the letter of the 26th March, 1748, from the Secretary of State, Marco Antonio de Azavedo Coutinho, to the Archbishop of Goa and Primate of the East.

The Apostolic Nuncios, according to the law of this country, are not permitted to exercise any jurisdiction, though they may have the powers of Legates *a latere*, unless they produce their Briefs for the Placet, which is only granted after a letter from the proper Minister and Secretary of State declaring the restrictions, under which the execution of their Briefs can be permitted, and after a formal reply abiding by such restrictions, have been exchanged. Thus were treated the Nuncios, Luca, Archbishop of Nicomedia and Philippe Acciaioli ; the first of whom addressed to the Secretary of State, Marco Antonio de Azavedo Coutinho in his reversal letter of the 17th June, 1744, a reply to that Secretary's letter of the 14th idem in which restrictions were imposed:—"that I have accepted them and that you may assure the King that I will "glory in a punctual obedience to the King's supreme commands. (*E la prego di " assicurare la maestà del re, che la venerazione, che professo alla sovrana persona, mi "fará sempre avere a gloria la pontuale ubbidienza alla suoi supremi commandi.*)"

Such has been always the right of the kingdom, and greater or less restrictions have been put upon the Roman Legates, as soon as they arrived in Portugal, as in the case of the Collector Paloto by the Royal letter of the 21st September, 1624, by which the restrictions imposed in 1616 on the Collector Acorambano, were extended and in the case of Lonedinelli by the Royal letter of the 15th December, 1620.

It is also necessary to remember that such restrictions **were also made to extend to the Delegates from the Holy See**, who proceeded to Asia **to exercise jurisdiction outside of the Portuguese territories,** and were accepted by those Delegates, as was the case with the Apostle of the Indies, St. Francis Xavier, who being sent by the Supreme Pontiff, Paul III., to the Eastern Countries with powers of Apostolic Nuncio, forwarded the respective letters to the King of Portugal, praying, if it pleased His Majesty, that he might be allowed to use the spiritual powers, which were conferred upon him ; this is related by himself in his petition addressed to the Vicar of the Fort of Malacca, which petition is copied by the Reverend Francisco de Souza in the *Oriente Conquistado* ; the same was the case with the Patriarch of Alexandria, Carlos Antonio Mezzabarba, Apostolic Commissioner and Visitor General of China, with powers of Papal Ambassador *a latere*, successor in this commission of the Patriarch of Antioch Carlos Thomas Maillard, afterwards Cardinal, of Tournon, who came to Lisbon in order to obtain the Royal Placet for his Brief *Speculatores Domus Israel*, of the 29th September, 1719, on which Brief such restrictions as are set forth in the letter of the Secretary of State, Diogo de Mendonça, Côrte Real, dated the 22nd March, 1720, were put.

Such has been the constant doctrine and constant practice; such is the judgment of the most learned and orthodox writers, both Portuguese and foreign ; such are finally the examples mutually approved of by the Holy See and the Kings of Portugal, by which the prelates of the kingdom cannot execute any decree they may receive from the Court of Rome or from its Delegates, without previous consent from the secular jurisdiction, even though such decrees may have the most coercive clauses for their publication and execution.

This being so, as undoubtedly it is and is evidently shown above, it may have happened that by time this wholesome and proper practice might have been slackened or other considerations interposed with the best motives ; but, it being important that the Reverend Prelates of the Colonies, **their suffragans, Governors or Vicars-General and Provicars of the respective dioceses** should no more break what has been strictly observed by the Kings of Portugal and by the various governments in all times, according to the maxims by which the piety of those Catholic sovereigns and learned men was regulated, it is expedient to observe carefully and punctually the laws in their entirety, **by which no Bull, Brief, Rescript or Apostolic Order, of whatsoever nature or denomination, issued in the name of the Holy See, Nuncios or any other Apostolic delegates, can be executed in the dioceses of the Royal Patronage (Real Padroado) without previous Royal permission**, authorizing the publication and execution of such Bulls, Briefs and orders, even though they might have been sent direct, enclosed in private or officia

letters ; and **in this case they must be returned by the same way as they were received**, with a declaration that it is not allowed by the law of the country to execute them without the aforesaid Royal permission.

This inflexible principle of the Portuguese legislation, the object of which is **to protect the temporal sovereignty from any dangerous invasion** and to maintain the rights of the Crown and the harmony, which must exist between the empire and the clergy, allows of but one exception, which expressly concerns the penitentiary rescripts according to the Royal letter of the 23rd August 1770 ; however, in order to strengthen that right, the modern legislators, did not omit to make it an object of particular and severe vigilance of the law.

And because His Majesty as King and independent sovereign, and also as protector and Patron of the Churches of the East by rights of endowment and foundation, acknowledged by Apostolic Bulls, desires to maintain intact these rights, which are the fruits of the devotion and munificence of his glorious predecessors as well as of the blood and work of the Portuguese citizens :—

The whole of the above is communicated and particularly recommended to the Reverend Archbishop of Goa and Primate of the East, **in order that he should execute the same in his Diocese, and have it executed in the Suffragan Dioceses**, which he at present administers by virtue of the Brief *Ad reparanda damna*, dated 22nd March 1861 ; and it is trusted that in this matter he will proceed with that zeal, care and prudence which his distinguished and virtuous qualities promise.

JOSE DA SILVA MENDES LEAL.

Paço, 8th August 1863.

Appendix—G.

Order given to the Bishop of Mylapore by the Portuguese Government on 14th April, 1890, forbidding him to communicate direct with the Holy See.

MOST EXCELLENT AND MOST REVD. LORD,

I have the honour, by order of His Excellency the Minister of Marine, and in addition to my official letter of the 31st of March last, to recommend to your Excellency that, with the view of preventing complications, which may arise prejudicial to the regular exercise of the Royal Patronage in India, any representations which you think necessary regarding the understanding and application of the *reversal notes* which definitively regulate the exercise of the same Patronage, a copy of which accompanies the quoted official letters, **you will please to direct through the Government.**

God save your Excellency.

The Secretariat of State of Affairs of Marine and the Colonies, 14th April, 1890.

To the Most Excellent and Most Reverend Lord Bishop of the Diocese of St. Thomé, Mylapore.

The Director General Francisco J. da Costa e Silva.